California State Archives
State Government Oral History Program

Oral History Interview

with

TOM BATES

California State Assemblyman 1977 1996
Alameda County Supervisor 1973 1976

January 13 February 1 23 April 26 May 10 17 31 June 7 14
September 25 October 5 26 November 14 2000
and February 8 2001
Berkeley California

By Leah McGarrigle
Regional Oral History Office
University of California Berkeley

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Childhood and family background southern California UC Berkeley B A 1961 and Rose Bowl football team U S Army Special Services 1962 1963 real estate with Coldwell Banker Bedford Associates Democratic election campaigns 1968 2001 staff for California Assemblyman Ken Meade with mentions of Don Mulford Jeffrey Cohelan Ronald Dellums Alameda County Board of Supervisors 1973 1976 reapportionment and Phillip Burton alternative health centers fluoridation land use issues California State Assembly 1977 1996 workers compensation independent living centers and Edward Roberts rent control mental and community health legislation motor voter law funding for libraries public schools and the University of California challenging term limits Proposition 140 (1990) comments on Speakers Willie Brown and Leo McCarthy Governors Deukmejian and Wilson Berkeley city politics Mayor Loni Hancock and relations with the university working with Dion Aroner and Art Agnos East Bay Public Safety Corridor Oakland Hills fire 1991 and vegetation management Peralta Community College District negotiations Center for Ecoliteracy Berkeley Public Schools

Interviewed 2000 2001 by Leah McGarrigle for the California State Archives State Government Oral History Program

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INTERVIEW HISTORY

Interviewer

Leah McGarrigle
Interviewer/Editor Regional Oral History Office University of California Berkeley
Member State Bar of California
B A University of California Santa Cruz
J D Hastings College of the Law

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Editing

The interviewer and staff at the Regional Oral History Office edited for punctuation paragraphing and spelling verified proper names and compiled a table of contents Mr Bates reviewed the transcript making minor changes

Tapes and Interview Records

The original tape recordings of the interview are in The Bancroft Library University of California at Berkeley Records relating to the interview are at the Regional Oral History Office Master tapes are deposited in the California State Archives

Papers

Mr Bates has deposited his legislative papers in the California State Archives and his personal memorabilia at the Berkeley Historical Society

BIOGRAPHICAL SUMMARY

Tom Bates is a native Californian born in San Diego in 1938 and raised in La Habra Heights He is a graduate of the University of California Berkeley where he was a starting member of the 1959 Rose Bowl team Tom was a captain in the U S Army Reserves serving in Germany He worked in real estate for Coldwell Banker and Co and Bedford Associates and formed his own company Bates and Associates Tom taught in the Department of Political Science at UC Berkeley for two years

Tom Bates was elected in 1973 to the Alameda County Board of Supervisors from Oakland and Emeryville He then spent twenty years in the California State Assembly (1977 1996) He worked to improve nutrition for children in the East Bay schools as head of Food Partners before being elected mayor of Berkeley in 2002

[Session 1 January 13 2000]

[Begin Tape 1 Side A]

McGARRIGLE Let s start by talking about your family and let me ask you when and where you were born

BATES Sure I was born in San Diego California on February 9 1938 I was born to my parents Harley Dwight Bates and Gladys Marie Schriver Bates She didn t have the Schriver that dropped but that was her maiden name And they had moved to San Diego a few years before with my older brother Chuck Charles They lived in downtown San Diego when I was born

McGARRIGLE You ve brought this fascinating family history in from your office Why don t we go over it a little bit because it goes back quite a ways

BATES My mother was the youngest of nine children She was raised in a small town in Iowa a little town called Clio Iowa which is near Corydon which is in the south portion of Iowa She moved with my father who was working at that time for Sunshine Biscuits and he was a salesman in Iowa and was transferred was promoted to be a regional sales manager in San Diego so he received a promotion and moved to San Diego My parents of course lived on the West Coast during the time of the war and my grandparents on my mother s side were quite elderly My mother as I mentioned was the youngest of nine

So when I was small I had an opportunity to go back to Iowa with my mother when I was like I think somewhere in the neighborhood of one and a half years old my mother went back to Iowa And that was the only time that I really had with my mother s parents So I never really got to know them at all

On my father s side my father was born in a little town called Valley Junction Iowa He was born I think in 1904 but in any case my father s parents ended up having I guess it was somewhat of a scandal they actually separated My grandfather whose name was Fred Bates worked on the railroads so he was I guess gone a lot So his wife my Grandmother Pearl evidently the story has it from talking to relatives that she evidently was not a very upstanding upright woman I don t know So she supposedly ran off with the barber or somebody and left my father and his sister Opal They were actually raised by an aunt and uncle who weren t particularly loving to my father

It had a major impact on my dad My dad never ever had any celebration of his birthday and he never received presents He had to put himself through high school working to put himself and his sister through high school He harbored a lot of resentment with my grandparents so as a consequence he refused I guess they had made contact with my father over the years when he was younger and at one point I think he reached out to his father my Grandfather Fred and asked him for some support to go to school to go to college Fred indicated to my dad that he was not in a position to help him

My father I guess I didn t properly identify him his name is Harley Harley Dwight Bates He was embittered by that and broke off all contact with him and his mother Then when they were dying at the end of their lives he contacted my father and wanted to reconcile and my father would not reconcile with him So I

never ever had a chance to meet my grandparents on my father s side and my mother s were dead by the time I had any real contact with people or any great memory of them

McGARRIGLE What age would you say your father was when he was sent to live with relatives?

BATES I think he was about seven something like that Seven and my aunt was about five at that time So they were raised by this couple What actually happened I gather was that my great grandfather who has a wonderful name Shockley Bates he evidently had a trust set up some money for the kids to be raised So this other group of people the Putnams agreed to raise my father and his sister My father always felt like they were doing it really for the money and there was no love and there was no particular outreaching to him meeting his needs

So he left the family as soon as he could I guess he actually left during high school he moved out got a place and worked in a bakery My father was sort of a self made man in that sense He went to work He started with Sunshine Biscuits It was one of these multi merger companies gone through all kinds of things particularly after my father left the company But he worked for a company called Loose Wiles[?] which became Sunshine Biscuits He actually started working in the bakery as a janitor cleaning up and then he got a job as a salesman and I gather he was a very good salesman

He had a territory in Des Moines Iowa where they were living at the time and he was actually in an interesting area because my father he had this relationship with the Jewish community He was in a Jewish part of Des Moines and so he evolved this really close relationship with the Jewish community which was interesting because later you know I wouldn t call him to be racially very tolerant But it was certainly beneficial at that point

He met his mentor in the company a fellow by the name of Bert Lemke who was in Iowa and worked for Sunshine Biscuits and was his mentor He actually got transferred from Des Moines to Oakland to head up the California portion of Sunshine Biscuits and brought my father to San Diego to work in the business there

So I was born there and my older brother Charles who we call Chuck was five when I was born I have an interesting relationship with my brother When I was born I think it was the worst day of his life He didn t particularly like the competition and we always had a strained relationship unfortunately We sort of reconciled a little bit in the last years or so but it has not been a very loving friendship between brothers and myself

More about my parents if you like my mother s parents when I was born were running a hotel My grandfather was I gather up until the time he ran the hotel was really a teamster He used to haul things and he had wagons and would go to the railroad station and meet the trains and off load various cargo and deliver it to various merchants And then they established a hotel and it was more like a boarding house than a hotel I guess They always had guests that would come in and stay and my mother was the youngest of all of the children I believe that my mother s parents when my mother was born my grandparents were probably in their late forties

My mother remembers telling me about her grandmother living with them in the hotel and she thought she was just ancient and she was like sixty or something She d sit on the porch all day and just sort of observe what was going on in this little town

My mother ended up going to high school she had to leave the little town to go to the town next door at Corydon where she went to high school She was not very tall she was like five two but she was extremely competitive and a wonderful basketball player

McGARRIGLE Really?

BATES Yes Turned out that she was a very good basketball player At that time women s basketball was such in Iowa that I guess it probably was true all over the country you played a certain like an offensive position you stayed at the offensive end of the court You didn t play defense so you didn t go back and forth And of course they wore bloomers and things They actually went to the state championship and my mother was a shooter on the team She was a really good basketball player They didn t unfortunately win When I was growing up we used to have baskets and she would always come out and embarrass me because she was so good [Laughter] She was so good We d play these games like Horse where you get a letter if you miss a shot and she would always win these games I think that was a little bit of a frustration for her that I wasn t a better basketball player

My father also was active and a big part of his high school was his playing on the football team He was a star player I guess on the high school football team He went to a funny named town called What Cheer Iowa which is where he was raised by this aunt and uncle And then later moved to Des Moines when he got older

My father never really got a very good education and I think he resented that in a lot of ways But he worked with this company and he ended up working with Sunshine Biscuits for forty two years In San Diego he was promoted to go to the Los Angeles region where he was the regional sales manager which meant that he

had a territory from the San Diego border to basically Tracy so he had a lot of California in his area And this was in the 1950s so it was a booming area He was extremely successful in terms of his sales and his salesmen and always did well

He had at one time I think around two hundred and fifty salesmen who were working under his control through various regions and he had of course assistant regional sales managers He was an extremely hard worker He would get up really early and he just was totally focused on his business He d come home in the evenings and spend after we d have dinner together as a family which was really a nice ritual and I think had a lot to do with forming values and getting ideas of fairness and looking out for the underdog and things of that nature that came up in the course of those dinners but after dinner he would go work for a few hours and then he would retire to bed So he was sort of a distant parent for me in a lot of ways because of his job

McGARRIGLE And he had definite ideas about values that he wanted to introduce to you and your brother at the dinner table?

BATES He did And the values were pretty basic but you know he really believed in a positive attitude He believed that anything that was bad could be viewed as the other side of it that there was always a good side and that you always needed to look at the downside and try to figure out what you could do to make that positive and turn that disadvantage into an advantage He felt very strongly about the way you treat people with honesty and dignity and respect And then he also obviously cared a lot about people being truthful and things of that nature and that your word was in his business and elsewhere was very important If you gave your word for something you were going to do something you really valued a person on the basis of whether they did what they said they were going to do And loyalty had a

lot to do with if you establish a loyalty that meant more than just in good times but in bad times you had to be there for other people

McGARRIGLE That s so interesting he came to that mind set on his own since he didn t have support in his youth

BATES Yes I think it had a lot to do with his mentor Bert Lemke who really did take him under his wing and sort of helped guide him My father even the worst thing that could possibly happen he wouldn t get down about it It s like there was some positive part to it Even when he was at the end of his life and he was very frail and could barely get around he still loved the people around him who were his caretakers He looked forward to seeing his caretakers even though it was kind of what I would consider to be an unpleasant life still always saw the better side In some ways it was very positive to see somebody like that but in some ways you kept thinking well it can t be real There s got to be some other side to it

My dad as it turns out was a very good organizer and could actually direct people and orchestrate this huge organization and make it function Because of the growth in southern California and because I think of his attitude they led the nation in every potential activity that was going on from the number of crackers sold to Hydrox cookies to whatever it was he really just did this wonderful job

But he was never a polished person He never really had very good grammar and his writing ability I think was limited So he was in some ways restricted by his own lack of education and he didn t really improve those things as he got older

McGARRIGLE Did his mentor stay were they both with the company all that time together?

BATES Pretty much At the end his mentor retired The mentor actually left Oakland and went back to the national headquarters which was in New York I think actually it was in New Jersey But they stayed in very close contact He kept trying to

promote my dad and at one point they wanted him to go back I guess back to New York and he decided he was really happy living in southern California so he didn t want to do that So he sort of in some ways set the parameters when he didn t want to move that sort of limited his growth in the company

At that time the way Sunshine Biscuit worked they had salesmen who would call on the markets and so they had a whole large network of salesmen which my father was responsible for Then in addition they had truck drivers who would drive trucks to the various grocery stores to deliver what was ordered Sunshine Biscuit was sold to American Tobacco and they were interested I guess in diversifying American Tobacco was this was in the seventies I guess was interested in trying to diversify so they weren t so much just in cigarettes but in other food items

So the first thing they did was they called in my father and at that time he had about 300 various people who were involved with the sales force and they eventually fired everybody They said that they no longer needed the salesmen that they basically were going to do it through the truck drivers

And then what happened was the business changed again when they went to large wholesalers so that they didn t even need the drivers At some point they just basically took it to the wholesalers who then took the merchandise out to the various markets that belonged to their system like I guess Alfred Lewis and some other companies started up

McGARRIGLE Do you know how that news was presented to your father and his ?

BATES Well actually I may have overstated it I think they kept like four people But it was like everybody was pretty much terminated One of the things my dad as I mentioned was that loyalty was a big thing for him so he really believed in the

company and he believed that if you really worked hard and did the right thing for the company the company would not turn its back on you So it was a very shattering thing for him It was actually being as positive as he was about everything it was really a major blow to him He probably didn t admit it but he had major problems adjusting I don t think he ever really recovered from that because it came out of the blue He didn t have any particular idea that it was coming

McGARRIGLE And he was one of the four or so who were kept on then?

BATES No he was terminated

McGARRIGLE Oh he was let go also

BATES He was terminated yes He was sixty two years old and it was like an early retirement It was basically not his choosing not of his choosing So it was like they called him in one day and said that they were going to reorganize I mean as we live through the nineties we see all these mergers and all these things that are happening we ve become fairly callous about it Well unless it happens to us All the time people are being laid off and downsized and all that This was a major restructuring of this company and because they were changing the whole modus operandi the way they were calling on stores and the way they were going to distribute their product Somebody figured out that they didn t need to do it the way they were doing it and they didn t need all these people

Yes my dad it took him I would say a couple of years or more for him really to sort of recover from that and then move on In fact what happened was we lived in an area in La Habra Heights which was a wonderful place which I could tell you about we could back up and I could tell you about our move up there But it was a large piece of property and it was like ten acres and we had a lot of orange

trees and avocado trees and we had animals horses and barns and things and my father had all this work that he had to do So he decided that after he was terminated that he didn t want to do this He wanted to move sell their home

So they did and they moved to an apartment which was in the same area not La Habra Heights but actually in Anaheim My dad when they moved it was very unsatisfactory because he was sort of in the house with nothing to do and my mom was going crazy My father and I had a relationship that was not particularly great and during this time when he was laid off and then moved to this apartment actually became a time when my father and I became close as a father and son and I actually helped him get back on his feet We tried to find some kind of activity that he would be interested in doing

He ended up getting a real estate license and went to work for a friend that he knew selling homes He was not particularly successful at it but at least he was active and had a new sort of activity to do something to look forward to and somewhere he could go and something to make some money even though it wasn t great still had a chance to do something

McGARRIGLE Is the large acreage where you grew up then with the trees and the animals?

BATES Pretty much yes What happened was when I was born in San Diego and my brother and I did not even from the moment I was born I think my brother his attitude was Let s take him back to the hospital Whenever I would cry he d say to my mother Well let s just take him back to the hospital When I was growing up my brother was very interested in animals so even at a small age when I was like one or two years old we lived in a place called Rolando Village which was a tract that had been built in this time it must have been oh in the early fifties late

forties So my brother had rabbits and he had guinea pigs and we had pigeons and all these things

My father decided that he d like to get a place where we could have animals My father also sort of his agricultural roots or something really loved the idea of having animals Now that I think about it excuse me it was in the early forties It wasn t the late forties it was the early forties

So we moved to a place called Grossmont and at Grossmont we had this wonderful place that was in an avocado grove and we had this house that was on the side of a hill and it was all covered by avocados In fact these avocado trees engulfed the whole house So it was quite dark but it was a really nice place

My father and my brother built with some outside help a barn and chicken coops and we had rabbits During the war my father would pick the avocados from the trees and sold them to the markets and stuff These were just wonderful avocados They had these things called ball avocados and they were oh gee I would say maybe they were larger than grapefruits They were just beautiful And we had Fuertes and these other avocados And as a kid I never liked avocados Now I would die for those avocados [laughter]

McGARRIGLE And I m thinking about all the work that comes with maintaining all of this Did you have help?

BATES My brother and I did it

McGARRIGLE You did it all? The animals?

BATES Yes

McGARRIGLE The trees everything?

BATES The trees and everything The chickens So we had a lot of work related to animals which my brother really liked and I didn t particularly like I would rather do other

things Maybe it was because I would rather play sports or go with my friends but there was always this work to be done

For instance we would raise rabbits and my father would end up killing them and then selling them And eggs we had eggs that he would take to the markets he would sell eggs And we had all the avocados which was a tremendous amount of work to pick these avocados We had horses The horses of course we had the horse manure and chicken manure so we ended up using that on the avocado trees So they were just wonderful naturally organic raised avocados and they were really spectacular avocados

McGARRIGLE But there was no hired help then all this time?

BATES We had no hired help no

McGARRIGLE And your father with his busy schedule?

BATES He would come home and worked and the weekends he would spend all weekend Saturday and Sunday getting up early in the morning and working until dinner picking and doing all the work and my brother and I would take care of the animals feed them and get the eggs Of course horses have to be fed twice a day and have water and stuff like that

So my brother got a horse early on and my father and my brother had this really close relationship around the animals I always was jealous of that and my brother my brother as we got older he used to treat me like I was the hired hand and he was my boss He was physically stronger and bigger and he would basically intimidate me to do the work help him So it was never any fun It was like working in the salt mines with my brother overseeing me

So my father and my brother had this as I mentioned this really close relationship so they decided that it was time when I was eight years old for me to

get a horse so that I could be with my brother and do this stuff So my father got this horse and I basically had a bicycle And we lived I should describe this it was in a countryish place It wasn t country per se but it was definitely more than the suburbs We had this large parcel of land I would say that we probably had fifteen acres or so of avocados and animals and things Avocados are not that difficult to take care of really These were fully grown and mature trees when we bought the grove

But in any case my nearest friend was maybe a quarter of a mile away or something But I did have a bicycle so they decided when I got a horse my dad said that I ve got to sell my bicycle I didn t particularly want the horse in the first place but I ended up getting a horse and losing my bicycle

What happened the first time I rode my horse the horse s name was Freckles My brother had a friend Tom Elry lived down the road from us He had a horse and he was my brother s age So the three of us went out riding My father said Now be careful and we re not going to put Tom in a saddle because with a saddle you could fall and get your foot caught in the stirrup So we went out with this really nice horse that I had but I had never really ridden a horse before So we started walking and my brother and his friend said Let s trot So we ended up having the horse do a trot And then they said Let s canter so we ended up cantering So we re going along and I don t have a saddle and I ve never ridden before I fall off the horse and the horse steps on my thumb So I have this really weird thumb that I have from the first time I rode a horse [shows thumb]

McGARRIGLE Oh my gosh

BATES So I ended up coming back to the house with this thumb that was sort of hanging by a thread and they took me to a doctor and they sewed it back on It s a perfectly usable thumb but this was my experience with my first horse that I ever rode

So when I got better my father was also sort of macho and my brother so they said Well now it s time for you to get back on the horse and ride the horse again So I ended up getting back on the horse and riding the horse

My brother and my father had this really close relationship because my brother was a really good horseman and he wanted to be in horse shows So my father and my brother would work on his horse and they had this really wonderful horse and prepare every Saturday they would go to horse shows So they would get up and wash the horse and constantly

[End Tape 1 Side A]

[Begin Tape 1 Side B]

BATES Anyway the whole family was focused on my brother and the horse shows So I decided that I should try to do this too I started riding and working out and this meant that you would have to practice riding like for two hours a day It became also sort of a job in preparing for this But at least my father I felt paid more attention or something I got a little bit of his attention

My brother and I would ride in horse shows and my brother would win He was very very good and I was not very good And then eventually I did win a few trophies in like the eight and under category or ten and under I guess it was ten and under My brother was sixteen and under So he would win in his category and finally I got to the age group where I could win

But my horse was a wonderful horse and I kept it for a long time but she wasn t really competitive like the other horses other kids had at the older ages The parents invested more

McGARRIGLE Did you develop an affinity for the activity?

BATES Yes pretty much but it was not something that I relished It was not like Let s see how would I describe it? It was part of the family so I did it because I wanted to be obviously I was looking for my father s affection I think and my mother But competing with my brother was impossible because he was so much better So it wasn t something that I I was doing it because I didn t have any other choices really

We moved from Grossmont my father was transferred to Los Angeles to be head of the Los Angeles region and then he had this big sales region that I mentioned earlier from San Diego to Tracy My father wanted to replicate what he could of what we had in Grossmont in the Los Angeles area so they found this place up in La Habra Heights and it was a beautiful piece of property they found It was on the top of a mountain and you could see Catalina Island We actually had orange groves and we had lemon groves and it was a beautiful area Avocado trees were there

This was in Los Angeles County but they had a zoning restriction that you had to have at least an acre of land to have a home so that actually was very helpful over the years in terms of the development There was never any in particular so it always remained fairly rural

So we moved sold our home in Grossmont and then I had probably one of the happiest periods of my youth We moved actually to a motel while they were building our home We sold our home in San Diego and supposedly our home was

going to be built up in La Habra Heights but it took a lot longer and there were a lot more details that needed to be worked out so we ended up having to live actually in a motel for six months while they were building our house I slept on a cot and my parents and my brother and I all lived in this relatively small room with a small kitchenette But it was like we were all together in this environment where we really had to be close together

My brother and I used to play catch with the football out sort of in the motel area but it was actually a wonderful time because we were there together sort of communally struggling to get by I got to get much closer to my father than I had ever had before

McGARRIGLE How old would you say you were at that point?

BATES I was in fifth grade That makes it what about twelve thirteen? No ten

McGARRIGLE And your brother was in high school then

BATES Yes he was in high school

McGARRIGLE Was that a hard transition to leave friends?

BATES Yes it was very hard for him He did not want to come I really was very happy to leave I mean at first it was hard but I was very happy to have a new place and a new start

My mother used to take us to school and pick us up and we were just a lot closer My brother went to Fullerton High School We had a choice where we lived you could either go to Whittier High School or Fullerton High School It was a long ways away from our house to get there Later when I went to Fullerton High School I used to take the bus from our home in La Habra Heights and it used to take an hour and a half to get to school

McGARRIGLE Really?

BATES Yes because we d drive all around picking up kids And then this was an area in southern California where I went to school I think now seven high schools have grown up around the area that would have impacted on this high school

McGARRIGLE Yes the density has changed so much

BATES Yes changed so fast and so rapidly over the years

McGARRIGLE Did your mother enjoy the agricultural aspects of the property?

BATES You know I gather she did She was also a very positive person in her attitude about things And my mother always lived in this area where she was by herself She had very close friends women friends There was one neighbor who became a very close friend family that she became close with and stayed close with for the rest of her life And she always had other friends and she played cards bridge But a lot of the activity of the family was related to the business and their friends were all related to the business People when they would come over and have dinner all worked with my dad so it was almost like it never stopped the business activity and talk Then she became friends with the women whose husbands were working with my dad

My mother I think she had a really pleasant life and I think she enjoyed her life In a way she was really isolated In Grossmont where we lived was isolated Then when we moved up to La Habra Heights we lived in a place where the closest grocery store was probably I don t know maybe five miles seven miles away or something It was a long ways away So you had to actually really plan to go there And she was all by herself up on this piece of property with no neighbors or anything around We did have a neighbor that lived relatively close by that she did become friends with and would see occasionally

But in my case when I was living in La Habra Heights my closest friend lived about half a mile away There was only one other boy my age and that was my friend and then the next boy or girl of our age probably lived two miles away or three miles away It was a long ways away

McGARRIGLE Did you replicate the animals that you had?

BATES We did we did We ended up even doing more We ended up building a stable and then in the stable we actually built a ring for my brother and I but it s interesting I lost interest in it really but a ring so that we could work out our horses It was almost a regulation sized ring that we built and it was all flat My brother then also was in high school so he was interested in 4 H and then FFA Future Farmers of America He also got into cows so we had Herefords and we had sheep and we had pigeons and we had chickens and we had banty chickens So all these horse activities were all replicated

The only thing we didn t have is we didn t have the groves we didn t have the avocado groves We lived on a mountaintop so we ended up making terraces around the side of the hill as it went down and we ended up planting all these trees So then we ended up having to water and do all that work

McGARRIGLE And those were more avocados that you planted?

BATES These were orange trees

McGARRIGLE Oh those were citrus you said

BATES Yes citrus trees It was wonderful in a lot of ways because once they matured when I was growing up I used to go up and pick and every day we d have a really wonderful fresh glass of orange juice all year round because we had different trees that were in various blossoms at different times But again it was a lot of work and we were fairly isolated on top of this hill

McGARRIGLE Was it out of the question for your father to hire help for the property and the animals?

BATES I don t think he really believed in it You know he just thought that here he has two boys right and there s no reason why they can t do this

McGARRIGLE I just had to ask that question

BATES Yes It s good for them [Laughter] And you know my father the company he worked for and my mother of course was a stay at home mom and so my father was the only source of income My mother paid all the bills and managed the money But they didn t have a lot of money Even though he had what would be considered a good job it didn t pay that much Maybe I would say it was an upper middle class or middle class salary enough to be able to buy and build and then he made money on the houses When we lived in Rolando Village he made money when he sold that He made money when they sold the house in Grossmont In retrospect he wished he d have done more stuff like that It was pretty hard to lose money in the forties in California buying anything Even probably through the eighties it was hard to lose money

But in any case my mother was pretty isolated up in La Habra Heights She had her good friends and she would volunteer one day a week working at a thrift store to help a hospital in the local hospital She did that for a number of years And she had friends but she was really isolated and I was isolated

We had horses and so we would exercise them The other thing about horses you not only have to feed them you also have to exercise them so we used to have a chance to ride them And where we lived it backed up against this really large rural area We could actually ride our horses for maybe three days and never see anybody There were no homes there were no freeways It was really pretty

amazing virgin country In the winters a sheep herder would come in a Basque sheep herder would come in every year and take a flock of sheep and have them graze in this land They would be out all winter long So it was pretty amazing property

McGARRIGLE It was all agricultural then

BATES It was all agricultural

McGARRIGLE Without homes for that distance

BATES Yes It wasn t exactly agricultural it was just kind of rolling hills with no development at all Of course it would rain enough that there would be grass so you could I don t know exactly how many sheep they had but they would have as many as four or five dogs that would work the sheep so I would say gosh they must have had 600 700 800 sheep that would come out there and be fattened up and then they would take them off at the end of the season

Now it s pretty built up and it backs up this area that was all open space which has now pretty much been developed It s not intensely developed but there are roads and homes and things that are back in there

So my closest friend when I moved to La Habra Heights was a person who had a major impact on my life His name was Bill Lee and his father had come from China when Chiang Kai Shek was in power had come to school to Caltech where he was a rocket scientist He came and decided that he wanted to stay in the United States He married a Caucasian woman and ended up remaining in the United States He was a very smart guy He worked for a number of companies and taught at SC [University of Southern California] he was on their faculty for a while He was actually Y C [Yang Chen] was his name was a very brilliant man

His wife Harriet who was Caucasian this was now in the early 1950s living in this rural area, I think they moved there because of the social stigma of being married to a Chinese person They had a child who was Bill their only child He looked Chinese He had Chinese characteristics eyes and coloring he looked more like his father than his mother And his mother had a lot of mental problems She ended up going in and out of hospitals mental hospitals So it was a difficult time for Bill

He and I became just inseparable friends He lived about a half a mile away but a half a mile was straight down and straight up so we could sort of communicate across the mountains see each other We spent almost all of our time together

McGARRIGLE And did you do that did you have a system for communicating?

BATES We did have a way of communicating and then finally we talked on the phone

But Bill was just an incredible person He had his father s and his mother s intelligence and he was really a brilliant guy He and I as I say were really really close friends and going through grammar school and then into high school In our high school there were about 4 000 students It was a really large high school and it eventually broke up into various other schools As they built other high schools the population went down but it was a really large high school There were two Asian people in our high school Bill and one Asian woman There were at that time I think about four African Americans in our high school They were from one family But also there were lots of Mexican and Hispanic students but primarily from Mexico I would say maybe 30 percent of the student body was maybe Hispanic or Latino But there weren t particularly large numbers of minorities

When Bill and I were growing up we used to hang out and do everything together and then we had a group of friends We had a Jewish friend Norman Robman and then one of the African Americans was a very close friend of ours Sonny Owens So we ended up myself and sort of these people who were minority and we had Hispanic friends

McGARRIGLE Was there something that you had in common that caused you to join them?

BATES It was mostly sports When we were growing up they were a release for me and when I got up in La Habra Heights I was in fifth grade so we started playing softball We had a team and then I d practice all the time Then we had a touch football team and we had a baseball team So we played together so it was mostly because we all played together

McGARRIGLE Were there messages that came from any direction about not mingling with minorities or was that not an issue?

BATES You know it never really occurred to me that much Well my friend Bill he stayed at my house I was over at his house we spent every He would come help me do my chores then we could get done and we could go play We were together all the time

But I did experience as a child I traveled with them the Lees We went to Red River New Mexico We traveled and I d never been with them in a situation outside of just sort of going over to the homes or going shopping or something And it was the first time that we were actually discriminated against We d go places and because he was Chinese people were reluctant to serve Bill and I could have been brothers I was taller I favored the mother in complexion and he was more like his father So it was the first time I d ever really physically encountered or ever would have had the opportunity to encounter segregation We

didn t get served there were a lot of things that were pretty obvious that we were being dealt with as second class citizens

And Bill s mother she was an artist and she ended up being in the mental hospitals and we went to visit her in the hospitals It was hard on him Bill But he was so smart that when we went to school he was getting straight As in school When we went to Fullerton High School as I mentioned there were very few Asians only two He ran for student body president and was elected to student body president of our high school And then he went to Stanford he was admitted at Stanford and went to Harvard Law School He was in law school for a year and decided that he wanted to drop out and go into the Foreign Service so he was accepted in the Foreign Service He did that I think for about four years or five years

Then he applied to be admitted back in law school in the second year in law school and they let him back in which was pretty unheard of So then he graduated from law school at Harvard and now practices law in New York

But he was a major force in terms of values in the context and friendship He was my closest friend for sure when I was growing up

McGARRIGLE Do you maintain contact now?

BATES We do Not as much as I would like but we see each other occasionally He s harder to keep track of [Laughs] But growing up he was also in some ways like my brother he was hard to compete with because he was so smart and so brilliant The happiest day of my life I think was My brother s unhappiest day was the day I was born and the happiest day was the day my brother went off to college [Laughter] My brother went off to college it was a great day He went to Cal Poly San Luis Obispo [California Polytechnic State University] where he majored in

animal husbandry When he went to college I ll never forget he went off and we had a horse trailer He took his horse and he went off to college with his horse

McGARRIGLE He found a place to board the horse in the town?

BATES Yes at the college So he went off to college and that was And he came home occasionally maybe for summers He came home for summers but he was gone

My father was never around because he was traveling all the time In southern California it was even worse because the distances were so far that he was always driving I used to think I ll never get a job ever where I have to spend so much time in a car like my dad Well of course later I ended up going to Sacramento every day [laughter] and spending the same amount of time maybe more than my dad did

But my father was gone and then I had my mother My mother and I became really really close friends and remained close for the rest of her life Not that we weren t close before but now all of a sudden here we are alone in the mountains the two of us so we spent a lot of time together It was actually very wonderful My father was distant in the sense that physically he was not around and then because he became overweight and he also had some difficulty with his grammar the way he would talk and express himself He became for me as a teenager an embarrassment for me My friend Bill used to call my dad the pear So we used to refer to him as the pear because he kind of looked like a pear

What happened then is that my brother s gone my mother and I are becoming close my father is not really there other than occasionally coming Then I was fortunate in high school that we went to Fullerton High School Well actually let s back up I went to a really wonderful grammar school I went to Lowell Grammar School where Richard Nixon went to school His family lived around there and I

worked for the Nixon family It s something we ve kept under wraps for obvious reasons [Laughter]

McGARRIGLE What did you do for them?

BATES I worked in their restaurant when I was growing up My father believed that you need to get work experience and stuff sort of the philosophy that not only do you do a good job but you do better than a good job It was like the 10 percent that does more if you do a little bit more than everybody else you re seen as something somewhat better than your peers So I got a job when I was about fourteen or something fifteen working in the summer Maybe I ll just tell you about that

Don Nixon Richard Nixon s brother who got Richard Nixon into a lot of trouble later when he received a loan from Howard Hughes to build some of his restaurants and some of his motels What happened was that when Richard Nixon was named to be the vice president of Dwight Eisenhower there was this cloud that came over about his wife Pat getting a fur coat and they received the dog Checkers

McGARRIGLE Right

BATES And his brother s activities Don Nixon caused all this embarrassment around loans and other things that Howard Hughes had given him and it became an election issue And then Nixon of course got on television and gave his famous Checkers speech Well the country basically saw this speech and decided that he should definitely remain as the vice president They verified that it was a good idea And so he ended up remaining on his ticket

But his brother was a big embarrassment The Nixon family was raised in Whittier California and they had a grocery store and in the grocery store they started a little delicatessen and cafe It became a cafe and then it became a

restaurant And then he got the idea of starting in southern California the first drive in where you would place your order through a microphone where you drive your car up and have like we re used to now with McDonald s and all of the chains have where you place your order you d read the menu off a sign and place your order and then pick it up Well he introduced that idea in Whittier California It was the first time I think in southern California for sure It was a tremendous hit

Then he had this large restaurant where you had a drive up window and then two walk up windows and you could take your food and then eat under an orange tree where they had these wonderful picnic tables So I was hired to clean up the picnic tables wash the picnic tables and pick up the trash

McGARRIGLE And this was far from your home

BATES It was

McGARRIGLE This must have been after school or a weekend

BATES This was after school and weekends and during the summer

McGARRIGLE And what was your mode of transportation?

BATES My mother would take me

McGARRIGLE She would pick you up from school?

BATES And take me When I first started I worked in the summer and on weekends and then later when I could drive I got a driver s license then I drove my mother s car So then when I was sixteen I could do it myself But I mostly worked during the summers and on weekends because I got involved in sports and stuff at school so I didn t have time after school

But I started working there and I worked there until I was gosh I guess about eighteen I started out then I worked in the ice cream shop scooping ice cream and then I worked making malted milks They used to have a machine that could make

I don t know ten malted milks at once It was two machines actually and I would be working as fast as I could one person making as many malts as I could possibly make

McGARRIGLE And this was to serve the drive in customers?

BATES To serve the drive in and walk in customers They had these two walk in windows It was just phenomenally successful this restaurant

McGARRIGLE Did you have a contact with Don Nixon himself? Was he around?

BATES Every once in a while he would come in but not really Then one time the vice president came in it was a big deal when the vice president came But you know then I became a fry cook and then I worked inside as an assistant Well there was a manager and I was like his assistant at that point

McGARRIGLE Do you remember seeing Richard Nixon when he came?

BATES Yes

McGARRIGLE What was that like?

BATES He was pretty distant to us He sort of waved to us and that was It wasn t any big deal He wasn t effervescent like you think of [President William J] Clinton would shake every hand in the place [laughter]

McGARRIGLE Right right

BATES But he didn t

But I worked there and then Bill worked there too so the two of us worked there We worked together But anyway I worked at that job when I was in high school

I went to this wonderful school I transferred

[End Tape 1 Side B]

[Begin Tape 2 Side A]

McGARRIGLE Yes

BATES And when I went to school in Grossmont there was nothing particularly interesting in terms of other than the fact I was fairly large for my age tall for my age And I was good at sports so it was very fun for me to go to school When we transferred up to La Habra Heights and I went to this grammar school I was in a fifth sixth combination class which was good and it was a good transition for me

When I went to the sixth grade I really became very close friends with Bill Lee and I had a terrible teacher The teacher couldn t control the class You used to have to write things like twenty five times I will not leave my desk without permission So people would write these in advance [Laughter] so we had like ten different things that you did wrong So then we traded in them we had them all written out [Laughter] It was a relatively small school and the class was like thirty four kids when we were put together it was like thirty four We were in sixth grade

And seventh grade was a really difficult time for me I had a teacher Mr Olmstead and he had a brain tumor which I don t think was diagnosed at that time And he was just really incredibly mean to me personally I don t know why It was a very bad situation for me It was like the message he gave me was that You re not smart you re not going to do this

McGARRIGLE And he wasn t that one subject only he was your teacher for the whole day?

BATES Yes the whole day It was pretty traumatic for me I really didn t like school I didn t like him

And then it was just like going from this really terrible thing to the next year I went to the eighth grade and had this wonderful teacher Mary Brennan was her name I had her all day long She was just a wonderful teacher I learned all about

government and about the Congress We had to pass a test to graduate from eighth grade you had to pass the Constitution test or something I don t know I did really well in that because it was a wonderful sort of growing environment the eighth grade She all the things that he did poorly the year before sort of like in the negative aspects it was a really wonderful flowering teacher I met so I was really lucky to have her She was probably the best teacher I had the entire time I was growing up At least I certainly consider her to be the best

McGARRIGLE Did she follow where you ended up?

BATES She did she did pretty much I didn t stay in close contact she retired She was fairly old probably in her forties [Laughing] but she retired And she lived with the principal and they probably had some sort of May have been a lesbian relationship but in those days it wasn t obviously open in any way But she was a really wonderful person and I did see her a couple of times afterwards

Then we went from this little elementary school to this huge high school with all of these kids from all over the region that came to this high school And it was hard for me It was a really difficult adjustment for me to go to the high school For one thing my relationships with my friend Bill and others were so scattered I basically didn t know anybody I did attempt to play sports which was important for my family My family was really interested in sports and my parents would listen to every My father listened to every Dodger baseball game from the 1950s to the 1990s practically And they were interested in all of the college and all of the pro teams Sports was like the main value practically in the home

So I tried to play football and I wasn t particularly good I tried to play basketball and I was able to play on the C team We had so many players that we could have a varsity a junior varsity a B team a C team and we actually had a

small team called Ds even littler guys So I did play a little bit of basketball but I wasn t particularly successful and I wasn t particularly motivated and I didn t do very well And in school I only just got Cs or something

And I wasn t particularly socially successful I didn t have a girlfriend We lived isolated away so I didn t have any great social life and didn t have any And school was not as important as it probably should have been in my family Television had really just come in and my parents were enamored with television so it was like a lot of wasted time watching television

When I was a sophomore I was successful in sports I did get better in football so my father started coming came to a game or two And then played basketball and my mother used to come I played on the team She used to always be embarrassed by the way I played But sports were important

When I was a junior in high school I also played sports football and basketball and I ran track When I played football I actually was getting bigger I was growing every year I was growing like twenty pounds or more each year So when I got to be a senior I actually got to play on the varsity football team and I played on the line as a guard So I played and my father really was very interested in what I was doing He talked to me a lot in terms of motivation and trying to do better and be a better player and all this kind of stuff

So I actually became pretty good and was voted by my teammates as being the most valuable player on the team I got to be First Team All League in the Sunset League which was the league that we were in And one of the coaches was a fellow by the name of Jim Bush who was an assistant coach on the football team and he d gone to Cal Berkeley [University of California Berkeley] He wanted me to go to Berkeley

So suddenly all my friends were thinking about going to college and I had never really My parents sort of assumed that I was going to go to college because my brother went to college but I never was really focused on doing that

McGARRIGLE It wasn t something they discussed with you?

BATES No not really Not in any particular depth at all

So then I decided Well I d better go to college Fortunately I was getting better grades My last year I had to get really good grades in order to go to college Actually Bill Lee and I and another friend came up and he wanted to see Stanford and I wanted to see Cal So I came here and met the coaches football coaches and they offered me a scholarship

McGARRIGLE Really?

BATES Yes

McGARRIGLE And was it the coach at your high school who facilitated that meeting?

BATES Actually the coach was encouraging me to think about going to Berkeley because he d gone there

McGARRIGLE And he made the connection for you?

BATES And he made connections to the coaches and sent a film that I had played in and sent them some information about me But I had come here and the first time I had ever really been away from my parents

McGARRIGLE Did you drive up you and Bill?

BATES Yes we did We stayed in San Francisco and it was like a weekend or something So we came to Berkeley and we went to Stanford and stuff So in order to go I had to get really good grades my last semester because at that time you had to have a B average in scholastic subjects I had to get like an A in algebra III and an A in biology So I did fortunately I think the teachers were helping me out

McGARRIGLE That was stressful!

BATES Yes

McGARRIGLE There was a lot riding on that

BATES There was there was

So then I graduated from high school In high school I did get involved a little bit in running for office My friend Bill and I there was a thing called Boys League so I was elected to be like the junior Boys League president or something of the junior class or the representative I guess it was So then Bill ran for student body president and I ran for vice president We were running together He won and I didn t I didn t So that was the only election I ever lost [Laughter]

Then I ran for Boys League president They had Boys League and Girls League They used to have assemblies and things so I was elected to that So we were involved in student government in high school and stuff and also were involved in a thing called the Key Club

McGARRIGLE Right

BATES Yes that Kiwanis put on We had a really wonderful chapter a bunch of kids all boys We went to the state convention and actually won the prize for the best chapter in the state and the best project We had some really wonderful guys in that

McGARRIGLE What kind of a project was that?

BATES You know I m trying to think I believe it had to do with Veterans Day We ended up putting all these flags on the veterans graves we had to raise the money and get the flags and we had to do all this outreach I think that was it

So we had a wonderful time We went to this convention in Modesto I remember We won all the prizes There were like four prizes and we won three or something

McGARRIGLE Was the Key Club only boys at that time?

BATES It was Fully boys Yes But I ran around with a group of kids who were all the top I d say 10 or 15 percent of the academic kids most of them went to college and went off to school

Then when I graduated from high school I worked at Nixon s restaurant and then went to Berkeley That was a big eye opener for me coming to Cal Berkeley

The first thing I was not prepared totally not prepared for this

McGARRIGLE Meaning academically or personally?

BATES Academically personally socially maturity wise I mean I was not ready for this And I came as I mentioned on a football scholarship My parents brought me and dropped me off at the Shattuck Hotel

McGARRIGLE What year was that?

BATES This was 1956 I was with the football players the freshman football players who all had been recruited to come to Cal with scholarships were all staying in the Shattuck Hotel There were African American players that were there At that time at Cal the only dormitories that existed were Bowles Hall and Stiles Hall and that was it None of the dorms were built at that time So you had to pledge a fraternity or sorority or one of those Well of course you couldn t get into Bowles Hall or Stiles Hall they were full You could live in an apartment if you knew But nobody knew anybody It wasn t in the consciousness So you had to pledge a fraternity That was what you did

McGARRIGLE So you stayed in the Shattuck Hotel until you settled your housing?

BATES When I went to rush yes And it was like a week or four days or something So I remember I went to these various fraternities There was one person I knew who went to Whittier High School who I knew from the family and he was a member of the Beta Theta Pi fraternity So I liked him a lot and I went to the rush and I ended up pledging to be a Beta

McGARRIGLE Did he help you with that process?

BATES He did a little bit not overly

McGARRIGLE I don t know what you need to do How did that proceed?

BATES Well what happens is you go to these rush selections and you meet people and you sort of get the impression whether you like them or not and then they invite you back We actually went bowling to the old Berkeley Bowl It was actually a bowling alley at that time And then went back to meet with other members of the fraternity There were other athletes there and other people that I liked So I ended up pledging that fraternity There were other choices

At that time the fraternity was located on the corner of Hearst and LeRoy

McGARRIGLE Yes

BATES It s now the Graduate School of Public Policy So I always sort of chuckle at that my fraternity becomes the Graduate School of Public Policy

I had never been to camp I had never been away on my own before other than that one weekend with my friends coming to look at the college I d been to Modesto with the boys but I had never been away So when I got into the fraternity suddenly there were no rules there was no particular discipline I enrolled in the classes and was on the freshman football team and I can tell you about that but there was no At that time the fraternity didn t have any structure They didn t have study hall or study hours or anything like that And you could go

to a movie for a dollar so we went to movies every night and we never studied and barely went to school As a consequence I almost flunked out

My first social experience was such that we had Well it wasn t my first but I had been there for a while and the fraternity had a Christmas party School started in the end of September at that time so it was a couple of months into it So we went to this party and everybody was given like two bottles of champagne for each person So I really never drank champagne before I got terribly sick and my date got sick We ended up going back to the fraternity and I just went to sleep passed out and so did my date So people thought that I had done this had set up this person [Laughter] So it was like all of a sudden they said Oh this horrible Tom Bates don t trust him So it wasn t so good

McGARRIGLE There was no adult supervision like a house person?

BATES Not really not really There was an adult advisor but he was totally aloof He would come every once in a while

And then once when I was in school I did play on the football team and I went out for the team I was recruited to be a guard But when I got there all these guys I weighed gosh about 180 pounds and these other people all weighed like 230 or 240 I said I m in the wrong line I m not a guard I m an end So I went to play end and I actually played there I ended up transitioning from a guard who never catches the ball to playing end

MCGARRIGLE Was this something you had to discuss with the coach or ?

BATES Well I just actually I was in the line all these guys were huge guys So I said This is the wrong place for me to be So I went and I just transferred myself to the other position and got to play and got to play on the first string

Then my first semester I did really poorly in school I had to shape up and do better in school So my second semester was a little bit more disciplined

McGARRIGLE Did the coaches monitor your academic performance?

BATES They didn t especially surprisingly

McGARRIGLE You were on your own then

BATES Yes pretty much The other thing was at this time I don t know whether it was just the fraternity or what but the whole time I was at Cal I never had a faculty advisor It s like you had to see an advisor to approve your classes but we never would do that just turn it in what you wanted to take

So the second semester I was on probation I had to do better So I did do better thank god And then the next year my sophomore year I still wasn t serious at all about school I never really focused on the future or anything It was like just having a really wonderful time and sort of getting by At that time the coach was Pete Elliot and they decided that they had these ends who were seniors so rather than having me play they told me they wanted to practice and be what s called a red shirt and that I would have five years in which to play four years of eligibility The first year had to be your freshman so you really had three years So three out of four years you had So they said We want you not to play just to practice

So that was actually for me personally a really good thing because it did then a few things One is it gave me a chance to play when I was going to be a sophomore eligibility rather than a junior eligibility and it meant that I was going to for sure be in school an extra semester So that meant that I didn t have to take quite as big a load as I was taking then so I could drop down a little bit in units so that was helpful

McGARRIGLE And then you didn t have games

BATES And I didn t have to play in the games but I had to practice all the time

McGARRIGLE Okay so it didn t really reduce your commitment

BATES No it didn t for time but it was an amazing amount of time I mean I look back on it in terms of the amount of time that was spent doing that And then part of the scholarship the athletic scholarship at that time you had to work for the scholarship You had to work 100 hours a month

McGARRIGLE That s a lot

BATES Yes it was quite a bit So we used to have to figure out Is that right 100 hours? Maybe well I have to think about that No I think it must have been fifty hours a month So we had to work on Saturdays and Sundays and stuff But we d figure out these scam jobs that we d try to do put in our hours between practice and school and my social life

Maybe I should tell you just a little bit about the fraternity It was a big eye opener for me First of all I was a pledge and then I was unable to go through initiation because I wasn t eligible I had done poorly the first semester So I went through it second semester But the fraternity I was just shocked once I got in there at the way the fraternity people viewed the world I had never been around people who were so racist and sexist It was a very unhappy unpleasant experience for me really I had some friends that I made that were in the fraternity and we lived together and I knew them but generally speaking these guys were upper class and snobby people who were extremely racist I mean I was really shocked at how racist they were UCLA [University of California Los Angeles] they used to called Jews Japs and Jigs And the way they treated women I just found myself being in the wrong place

I did go through Hell Week and did become a member and stayed there until I was in my sophomore year and then I moved out I used to come and be a hasher but I never had really great feelings about the fraternity or the friendships I made there

McGARRIGLE Where was your next residence then after that?

BATES What happened is with some other members of the fraternity we moved out We moved to Albany and we lived in a place we had a car So we would drive back and forth we had a house

Then along the way I met my first wife in college and I got married my junior year My senior year we lived up on Panoramic Hill We had a nice place

So the fraternity was not an especially good place for me But the sports I was successful in terms of the team When I was a sophomore in school I was a red shirt and then when I was actually a junior in school a sophomore in eligibility was the year that we went to the Rose Bowl and we had this really good team I was fortunate enough to play on that team as a first string end on the team so that was like a highlight of my whole athletic career for sure Joe Kapp was a famous quarterback and later became a coach at Cal and he played in the NFL [National Football League] He was a really inspirational leader of our team So I played on that team and it was a group of people who weren t particularly talented but all played together It was really an example of a real leader being able to pull people together and people rising to play better than they really were

McGARRIGLE Was there good collegiality among your teammates?

BATES There was It was a little discouraging in the sense that even in those days this was 1958 it was really viewed pretty much like a business in the sense that it was all business The night before the game we all stayed in a hotel and we d go to a

movie and then we d get out of the movie and we d come back to the hotel and they would give you like a sleeping pill You d go to bed at like nine o clock or something Then the next morning we d have now it would never happen we would have steak and eggs for breakfast Well of course steak is really hard to digest and they would never do that now because it drains your energy Now they do carbos and stuff

McGARRIGLE And the sleeping pill

BATES Yes the sleeping pill

McGARRIGLE That was?

BATES Part of the ritual the sleeping pill And then you d play the game and if we were playing an away game as soon as the game was over you d get on the bus you d get on the plane you d come home So you never had any chance to see anything or do anything

When I was there we played in South Bend Indiana we played in Austin Texas and we played all the schools like Washington and UCLA We never saw anything we never had any contact with the other team We were herded in and out of places and get on the bus and go home kind of thing So the team itself was pretty close but it wasn t like it was a lot of fun We did get to play in the Rose Bowl which was the last time Cal was in the Rose Bowl was January 1 1959 forty one years

McGARRIGLE Was that a sort of homecoming for you to be in southern California?

BATES It was It was it was a lot of fun it really was My parents really liked the Rose Bowl parade so they used to always go to the parade I actually went to the game the year before I was down home during the vacation and I got tickets so I went It

was sort of like Wouldn t it be great if we could ever come It was almost like out of the question but it did happen

McGARRIGLE What was the reaction of your parents to that?

BATES Oh they were really happy they really were When I was playing they would actually fly up from southern California and come to the games My father would try to work his business so he would be up in Oakland so he could come to the games So they really in terms of my parents affection that was something that was very valued that I was able to play

At the same time I played football I also played on the rugby team in the spring when football practice wasn t going on That was a lot of fun and that was a sport that I really loved and even liked more than football because it was a lot more collegial in the sense that we actually went places together we actually saw the other team Rather than football where you got on the plane you arrive in a city you work out you go to a hotel you go to bed you get up you play the game you come home With rugby you would get there and the other team would meet you and you d have a party The other team would be there and you would actually tell stories and actually meet the people you were playing against

McGARRIGLE Was that due to the different attitude of the coaches or is that just typical of rugby?

BATES It was typical of rugby at that time and the coaches they went along with it for sure I mean it was part of the culture Then after the game the home team would buy like a keg of beer and everybody would go over and drink beer and talk about the game with your opponents It was a lot more fun We d go out to dinner and see places and go places and do things We had a very good team too

[End Tape 2 Side A]

[Begin Tape 2 Side B]

McGARRIGLE Was it unusual to play both football and rugby?

BATES It was in a sense But there were probably about eight of us that did that that played both sports But rugby was perfect for me because I played end and I could kick the ball which is a skill which you have to do in rugby And I could pass and I could catch and I could tackle So it was a lot of fun I played during college and at that time we had the best college rugby team in the United States Cal has had this tradition of wonderful rugby teams I think in the 1990s they ve won every year the national championship except for 1990 itself So out of the last, I don t know fifteen years they ve won it thirteen years It s pretty phenomenal the players they have

But it was a lot of fun because it was a whole social aspect So in college sports were important to me and then in addition to sports I was also through my contacts in the fraternity and through my contacts in sports I was able to get to know a lot of people I got to join some of the organizations which I was not really that actively involved in but there was a group called Skull and Keys which was a men s honor society drinking and friendship So I was a member of that And then there was also an organization called The Order of the Golden Bear which would meet and talk about university community problems and that organization still exists At the time I was there it was a secret organization and I used to go to that The chancellor would come So it actually broadened my perspective a lot instead of being myopic having a good time in sports and school was sort of secondary

Then in my sophomore year I met my wife to be Carol Martin She was a transfer student who came from Dominican College to Cal was a sophomore We met actually on a blind date and we hit it off really wonderfully We ended up getting married in January of 1960 We were married for a little over twenty years

She was a very important influence on me First of all she was really interested in a variety of things that I wasn t particularly concerned about at that time She was political she was interested in politics She was also interested in art and she was interested in music and drama and other kinds of activities that I had never really focused on in my life So it was like a wonderful opening up of these other worlds And also she was interested in learning and academics and that had a major impact on me too because suddenly it was something of value and something I wanted to do that was more than just getting through school and being eligible to play

So I really did enjoy school at the end We were married in my junior year and I ended up having another year of school What happened was when we got married at that time at Cal you had to be in ROTC for two years It was a requirement for all men to be in ROTC for two years And then if you wanted to remain you had to go another two years if you wanted to be an officer in the service What happened when I was a red shirt I was going to be in school for an extra semester so we decided when we were married I had to go in the army There were no deferments at that time There might have been but it wasn t clear to us at that time The only way you could get deferred was to have a baby and we weren t ready to have a baby

We decided that I should go back into ROTC and become an officer As long as I had to go into the service I might as well be an officer So I went and took ROTC and because of that I ended up not having enough units for ROTC so I had to go another semester So I ended up being actually in school for five years

But when I graduated I did become a commissioned officer and I did go to Europe and I ll tell you about that later

McGARRIGLE We ll start there next time

BATES Yes

McGARRIGLE What was your major in college? How did that develop?

BATES That was a sliding moving object I didn t have a clue first of all what I wanted to do I thought Well maybe I ll major in business So I started out majoring in business The first two years were just general anyway you didn t have to declare And then I decided No no I don t want to do that I think I d like to I really was interested in sports I thought I ll become a physical education major So I changed Then I started taking all these science courses that you had to take Then I was doing okay it wasn t great and then I realized that I d really be interested in coaching if I was going to do it in a college and so I went to see one of my coaches to discuss this with him

I really did not have a counselor So I went to see my coach whose name was John Ralston who was a fairly famous coach He later went on to coach Stanford or he actually went from Cal to Utah and then he went to Stanford and then he went to the pros He coached for the Raiders for a while and he coached the Denver Broncos and San Jose State I mean he s been all around coaching He was a very nice guy

So I went to see him and he told me Look if you re interested in coaching in college there s no reason for you to major in physical education It would be better for you to get a better education wider education and then not major in physical education So I switched

Then at that time they had a general curriculum major where you could sort of take a potpourri of classes So I ended up graduating in what at that time was

called Speech and now it s called Rhetoric It was basically just to get out of college at some point

Thanks to Carol I ended up taking philosophy classes and Italian literature classes and I took art appreciation classes So I think I got a fairly good introduction of learning at Cal sort of at the end of my career

McGARRIGLE Sounds like you didn t have preconceived ideas about what you would like and not like I mean you experimented extensively

BATES I did

McGARRIGLE From sports to art appreciation is quite a broad spectrum

BATES Yes I did And I try to do that all my life I think actually when I look back on my career I think that a lot of it has been creativity I think a lot of that probably had to do with experimenting and doing different things and being exposed to different ideas

But Carol was a very important influence on my life there s no doubt of it My mother was obviously very important Carol and then later you ll obviously hear about Loni who is the other person who was very important in my life

I was glad to get out of Cal [Laughing] Glad to graduate And then I worked before we get to the army I worked Because of the ROTC I was a commissioned officer but I didn t start the service until May I graduated in June so I had almost a year to wait before I would actually go into the service So I had to find a job

I got a job with a fellow by the name of Charlie Lavis who had what was called the Berkeley Office Equipment Company It was on Shattuck Avenue in Berkeley It was selling typewriters He actually taught me how to be a good salesman and it was actually some skills that were very helpful in my later life

McGARRIGLE And it was congruent with what your father had done

BATES It was in some ways yes

McGARRIGLE There s a lot more material to get into here This might be a good time to stop and then we can pick up fresh next time

BATES Okay

McGARRIGLE But I want to ask you in terms of being an athlete on campus what kind of an identity that was for you You must have had quite a bit of recognition

BATES I did I did actually But it identified me as an athlete which was good but it was also the connotation and a lot of times when you think of athletes you think of dumb jock or something That was something that I always was concerned about my whole life was trying to say Yeah there s more But that was my identity there was no doubt about it And I did know some people a lot of people through sports and played sports with people Also of course not only was it because of the nature of the sports particularly football there were also African Americans and other people that I came in contact with and was very comfortable with and that s what made it so uncomfortable for me when I was in the fraternity when these people were all looked down upon as being second class citizens

Just one little incident and I know we should stop but at the time in football it didn t dawn on us until later in life We played the University of Texas at Austin We had African American players on our team So we got to Austin we landed and we stayed in this hotel but we couldn t stay in the city of Austin We had to go way out of town to a motel that would allow African Americans to be together because they told our coaches that the players had to be in another segregated hotel They couldn t be with us So the coaches said no they wouldn t go for that

So it was an incredible game I d never experienced weather like this it was 90 degrees and it was raining it was pouring rain It was maybe 95 degrees It was

this downpour of rain heat and rain There was lightning going off We lost the game fairly handily and it was on television it was on national television So the coach was really angry and upset about the game Conditions were such the weather conditions were just terrible I mean it was lightning and thunder and pouring downpours of rain but there was no place for us that we could stay because we had these African American players unless we separated from them

So the coach ordered the pilot to take off so we got on the plane and we took off It was the most frightening harrowing ride I ve ever been on

McGARRIGLE You had a private plane?

BATES Yes we had a chartered plane The plane was going along it was dropping It was like one of those movies where you see sheets of rain and the plane wobbling and dropping and the lightning striking We did get home

About a month later another team it wasn t in Texas it was Cal Poly at San Luis Obispo The team was under a similar situation where they left in bad weather and the team the plane went down So that changed after that Obviously the coach shouldn t be determining whether or not the team takes off It should be the pilot and other people But it was because of racism and because we couldn t stay

McGARRIGLE Did the policy change after this second incident?

BATES Yes Oh I m sure

McGARRIGLE It was out of the question to go back to the hotel where you had been the night before it was on the outskirts of the town?

BATES Evidently

McGARRIGLE Or in his opinion it was out of the question

BATES Yes Oh he was mad about the game and he wanted to get out of there And the players were sort of like there had been sort of a Polyannic bubble And then later it dawned on us what had happened that it was all related to the African American players

McGARRIGLE Was there discussion among you and your teammates about the racism?

BATES Not really Not that I know of At least I didn t But later it was clear When you get back and you say What was going on there? And you start thinking about Why were we way out of town? And suddenly it all just fits together

But by and large the sports were really good and I enjoyed a lot Football became less fun We won the Pacific Coast Conference and we went to the Rose Bowl we didn t win it I sure wish we had won And then the team after that wasn t very good The next two years it wasn t very good We won like three games The only thing we did was we beat Stanford all three years that I played [Laughter] That was about the only thing that was good

McGARRIGLE That s a very important thing!

BATES That was very important but it was about the only thing It became more of a job and it was less fun Especially when you don t win and you don t have very good players But the rugby was the fun part and flowering and growing as a person and realizing there s more to life than what I was viewing

And then the army became an important part of my life which I ll tell you about next time

[End Tape 2 Side B]

[End of Session]

[Session 2 February 1 2000]

[Begin Tape 3 Side A]

McGARRIGLE I took a look at this book *Pappy s Boys The Rose Bowl Years* and you were giving me an overview of what was happening in sports at that time

BATES Oh yes What happened was there was this period of time when I was in college when University of California at Berkeley athletes were winning all these events It was sort of like the golden era of sports We had our football team of course won the Pacific Coast championship and played in the Rose Bowl and that s the last time that Cal has been in the Rose Bowl since 1959 The baseball team won the championship the NCAA [National Collegiate Athletic Association] championship The basketball team won the championship during that time They finished second the next year but they were also right there The crew team won the NCAA They won in wrestling We had the best rugby team in the country It was like a whole plethora of school champions and I don t think ever in the history of the school has there been a period to equate to this having so many good teams at one time all playing at the university

And of course since then they ve won occasionally but they haven t won in basketball they haven t won in baseball they haven t won in football I think they have in gymnastics and some other things they ve won and crew maybe but never was there such an outgrowth or outflow of so many good athletes at one time at the university

When you were a student athlete it was actually something that was thought of as being rather unique from the standpoint of elevation not just being sort of like a dumb jock or something at school So it was an interesting time and as I say it s never been repeated

McGARRIGLE What was your feeling looking back on it at the time? Do you remember what your sense of all that was?

BATES You know it was sort of taken for granted The basketball team won in 1958 I believe the NCAA and it was a very exciting moment because it had never had that kind of recognition or that kind of winning team And then it just sort of fell into place It was like the football team won and the baseball team was a really exceptionally fine baseball team so it was like one sort of fed on the next It was really exhilarating to be playing with all these good athletes and participating

Also during that time there was a fraternity that I was in the Beta house one of the members of my fraternity a fellow by the name of Don Bowden was the first American to run a sub four minute mile That was also of major importance in terms of sports news So it was like all these things happening around this constellation sort of like clustering now in business terms today feeding off one another

McGARRIGLE Have you remained in contact with some of your friends from that time?

BATES Yes actually not as many as You know over the years we ve sort of lost contact but one of my close friends was [Assemblyman Kenneth A] Ken Meade who was an undergraduate I knew and really liked who became of course a political ally and someone I worked on his first campaign He was the one who really got me into the politics was Ken And other than that I see people occasionally at

reunions and things like that I don t really have any close ongoing relationship with any of the players which is kind of sad in some ways

When I first got out of school I went away in the army and then I came back to this area and I did have contacts with people but it was through politics My politics became more identified with liberal radical Democratic politics and a lot of my friends in the sports world basically didn t fit into that mold [Laughter] Didn t fit into that mode

But I did have several people I did see quite often One person I used to work with in Alameda County his name was Charles Holston who was an end and played with me He was an African American probation officer

We had a friend Pat Newell who became a major attorney in Los Angeles We also stayed in contact with Pat and I used to see him and his family occasionally But other than that people went back to their own towns didn t really come in contact Now we occasionally have reunions and see all these older fellows together

It was an interesting team that I played on though The center on our team was a fellow by the name of Terry Jones and he was an African American man who became a Berkeley police officer and then joined I believe it was United Airlines He wanted to become a pilot but he became an engineer and he was the first African American to actually be in the cockpits and actually be able to integrate that field We also had a fellow by the name of Don Piestrom who was a guard on our team He was a musician and he went to southern California and has a very distinguished career in music composition He composes and writes for commercials and things He s done a lot of the tunes and things that are

accompanying and he s done very well and very successful and done music for various movies A highly successful musician and writer and composer

Then Pat Newell went to work for one of the major law firms in southern California and he played at about 175 pounds a very small [laughing] back by today s standards when they re playing at 300 pounds or almost 300 pounds It s almost incomprehensible

Another person who played on our team was an end whose name was Jerry Lungren and Jerry Lungren was an electrical engineer and was a straight A student in electrical engineering He left and went to work for the missile program building missiles So he was an interesting person

One of our guards was a fellow by the name of Pete Domoto who was Japanese His family was interned during the Second World War He was about six foot two and he had the broadest shoulders and narrowest waist of anybody I ve ever seen Weighed 220 pounds He was the largest Asian person I ve ever met He was at that time you know I ve seen others that were maybe as large but never as muscular and as well developed as Pete Domoto He became a dentist and now teaches at the University of Washington Dental School up in Seattle

Another player that we had was Joe Kapp of course who was a phenomenal leader of the team He led by example and had a great influence I think on everybody s lives in terms of their own ability to become leaders and to be able to step forward He played at quarterback but you had to play offense and defense You could only substitute by teams which was an unusual period of time that they had a rule to this effect In fact because of that rule that was probably the reason why we were able to go to the Rose Bowl because we had a group of players who were I would say average or a little above average but not great with only one or

two really great players but we had to all play offense and defense and special teams and all the positions all the time

So here we had this quarterback Joe Kapp He weighed about 205 pounds maybe and he could have played first string at almost any position on our team He could have been a guard a tackle an end he was such an incredible athlete And then on defense he played safety Now most teams the quarterback they sort of protected They were worried that when they were on defense that something would happen to their quarterback and most coaches they d tell the quarterbacks to like when they were running on the sideline on an offensive play to run out of bounds rather than to be tackled

Well Joe Kapp was just the opposite He would just try to take people on So he would put his head down and just ram somebody on the other team [Laughter] He didn t believe in taking what he would consider to be a cowardly way out And he was very macho Later when he played in the professionals he used to drink tequila and stuff He was a very macho player But he was also an incredible athlete We were playing Oregon and he was supposed to hand off to the halfback He missed the hand off to the halfback the timing was off so he ended up running down the field running through the hole that the halfback was going through So he ran for something like ninety two yards for a touchdown Just his speed and his breaking tackles just sort of unheard of for a quarterback to do this

So he had an illustrious career He wasn t drafted very high in the pros because they didn t think he was such a good passer His passes they used to say looked like dying quails or something They were not really nice spiral passes So he went and played in the Canadian Football League and took his team after in college taking us to the Rose Bowl through his leadership when he went to Canada he

played for two teams and ended up with Vancouver where they won the championship and played in the Blue Grey game Is that right what s it called? I m sorry But he ended up taking to the championship his team in Canada so he won the Canadian Football League I wanted to say Blue Grey game but that s not the right one I ll think of it I m sorry

He later came down to the United States and played for the Minnesota Vikings as their quarterback and he became first string and took them to the Super Bowl They lost but he took them So he took the college team to the Rose Bowl and his Canadian team to the championship in Canada won that and then came to the United States and took the Minnesota team to the Super Bowl

Then he went to a new team that was just starting on the East Coast the New England Patriots He ended up getting into a contract dispute with them about his being eligible to sign with anyone to be able to negotiate for any team This was a principle that he felt that the players should be able to sell their rights because he had been in Canada he had come to the United States and he thought that he should be able to negotiate for the best contract he could get So of course no one signed him as a player They all boycotted his actions that he was taking

So it ended up in court It was a long protracted court fight and he lost He lost his ability to be a free agent But out of that loss became the whole change that we see today He was actually the person who broke the logjam to allow players You know some people hate it but players now have the ability after their contract to become free agents and play with anyone they choose and it was actually Joe Kapp whose leadership in that issue his lawsuit really opened this door up even though he lost his lawsuit

It was similar to another person who was from Oakland Curt Flood a baseball player who did the same thing

McGARRIGLE That s what I was thinking

BATES He fought the same thing He never was able to realize the gains of his activity but it happened later for other players

So this was Joe Kapp the quarterback

But one of the halfbacks whose name was Hank Ogwin became a movie actor went to Hollywood and had a series of various roles I don t know if he ever became particularly famous but he became a movie star later

The fullback Billy Patton who was one of the two fullbacks we had became a major real estate developer He develops real estate all over northern California has become very wealthy I think in the real estate field

Another halfback was Jack Hart who was also the co captain with Joe Kapp He was really a phenomenal player also really a leader too He became a football professional coached in college and then went on to coach in the pros and ended up working with Levi Strauss where a lot of Cal football coaches ended up working for Levi Strauss on their sales team

So it was a really incredible collection of people They were more than just athletes per se people who had other interests beyond that So it was a nice group of people to be around

So we were going to talk about other things the army right?

McGARRIGLE Yes your graduation and ROTC and you worked in Berkeley for a year while you were waiting to go overseas

BATES Right So let s see In terms of I think we talked about it last time but my graduation I was in school and I ended up going into ROTC That actually was

something that I did because at that time I had to go into the army It was required that people served in the armed forces I of course had been in ROTC for two years which were required so I went back and picked up the last two years so that when I did go into the service I would be an officer

I went to my summer camp up in Fort Louis Washington after I had graduated from college So it was a strange kind of Normally they go between your junior and senior year But it was actually something that was very important for me and at the time it didn t seem like it but this was one of the subject areas that I actually I was married at the time I went back and I was interested in getting better grades and I was a much more serious student at that time so I actually took it seriously and got really good grades like an A average in the ROTC courses which may not have been the strongest academics but it was important for me I ended up being a distinguished military graduate

Then I put in for my branch selection You have to choose which branch of the army like the infantry or the armored or the artillery which are all of the sort of fighting branches Out of a lark I put down the Adjutant General s Corps which is the administrative corps and lo and behold I got selected to be in the Adjutant General s Corps When I went to report to the Adjutant General s Corps I reported to Fort Benjamin Harrison Indiana to go to my branch school which was a nine week school where they taught you what you were supposed to be able to do with that branch your responsibilities

So at that school a friend of mine whose name is Ross Rider was in the class before me and when I arrived there he came to me and he said Tom you ve got to be really careful because they can change your orders That s what this branch does The adjutant general is responsible for people s assignments actually cutting

the orders to send people They can change whatever your assignment is just overnight Where are you planning to go after where have they assigned you after your branch school?

So I said I ve been assigned to Germany for two years He said Well you d better really not let them know that you re an athlete and that you were involved with sports because they re looking for someone to stay at Fort Benjamin Harrison and be involved with teaching physical activities You re a perfect candidate for this job

So that was great advice And it turned out that the people in my branch school tended to be people who you would not think of as being in the military They were overweight with glasses They were sort of like the people who wouldn t be fighting who you would think Well this is a logical assignment This person is capable of being in the service but doesn t have any great endurance or whatever So I basically kept my head down low and didn t try to do anything to get noticed

But it was really interesting to me The first time I d ever been in a situation where we had people who had come to the branch school from various universities around the United States There were I think roughly forty people in my class I didn t study for any of the assignments I did pay attention in class But I would take these exams and the other people would study because I wasn t trying to do well but I was getting A s and really high grades even though I wasn t particularly trying So it was like Whoa All of a sudden I realized that maybe even though I had never thought of myself as being academically strong but maybe in fact I was

So it turned out that lo and behold the last week my wife and I were getting all ready to go to Germany and they called me in and said You re going to be assigned here as the person to be responsible for physical education training I

said Well this is a big problem for me because my wife s just left for Germany So they said Well okay So they let me off the hook and I left to go to Germany

McGARRIGLE This was all kind of last minute [Laughter]

BATES It was like a last minute bomb that went off and luckily didn t do any damage

I arrived in Germany and I was assigned to the Eighth Infantry Division which was in Bad Kreuznach Germany which is in central Germany At that time of course Germany was divided and the eastern half was Russian controlled East Germany and then half of Berlin The other half was controlled by the Allies the French the English and the United States which maintained access to all of Berlin Then the country itself was broken up England United States and the French had a portion that they were responsible for militarily I was assigned to this infantry division

When I got there they said to me We re so glad to see you re here You ve been assigned to the football team

McGARRIGLE So all along this information that was being kept quiet was somehow still somebody was paying attention

BATES Well that s right What happened was they had a personnel file that goes with you wherever you go It s called 201 file They saw this file and they found out that I played on Cal s Rose Bowl team and played football for three years at Cal and we had this good team so reading my records they said that they found out that I had played So when I got there they said You ve been reassigned from your division headquarters to the football team

So I frankly rugby had become more of a sport that I was interested in than football The last few years I had played the best I could but by and large it was a way to get a scholarship and a way to go to school I was drafted by the Los

Angeles Rams but it was way down like the fourteenth round or something I just knew that I was not big enough I wasn t fast enough and I just didn t have the physical ability to play in the professional league so it was not even an option

When I was all through at that time I had cracked my clavicle in my shoulder I d had a bursitis operation on my knee which left me in the hospital for a long time due to the complications of the operation I d had my nose broken twice my teeth had been chipped and broken So I really just did not want to play

I arrived at the team Turned out the team was coached by a sergeant and I was a lieutenant Because of protocol it was not possible for me to play under the direction of a sergeant I said Well I ll be a coach I d be interested in coaching It was also under the protocol it was not possible for me to coach because a sergeant was in charge and he couldn t be telling a lieutenant what to do So I was able to evade playing football by my rank luckily I didn t really want to play I was not interested in playing

The team was practicing at a place called Baumholder Germany Baumholder Germany was where they used to take the tanks to do maneuvers The GIs used to say that if they were going to give Europe an enema this would be the place they would put it in It was so bad It was a cold and barren place So I was very happy to be not on the football team

Then they didn t know what to do with me because the Special Services had assigned me to the team They said Well luckily one of the captains is leaving going back to the United States so we want you to become the assistant Special Service officer I said Great I ll be glad to be the assistant Special Service officer

I was assigned to the Special Service Now Special Services are responsible for all of the athletic teams responsible for some of the shows that were put on when USO [United Service Organizations] shows would come around But mostly it was responsible for the athletic activities of the division which meant that we had a major football team where people would be assigned to this team almost all year round It was like a full time big deal

McGARRIGLE Well that s what I wanted to ask you that was their job while they were in the service was to play football?

BATES That was their job Well about eight months of the year

McGARRIGLE What was the rationale for that?

BATES The rationale was that for morale of the division to have this good team And there was a great rivalry The generals this was like their little toy They had these sports teams Obviously this was the Cold War period In 1961 the Berlin Wall was constructed I was assigned in 1962 Actually I would have never gone to Germany if the Berlin Wall had not been put up The Berlin Wall was erected in 61 and the people who were in the army the regular army were in for three years were to rotate back to the United States after their third year They were all extended for a fourth year people who normally would have come back Suddenly they had a situation where they had all these people that wanted to come back and they didn t have enough people to go So they changed the rules to say that the people who were in the service for only two years officers could go to Europe for the first time

When I got there not only was I assigned to the football team my wife came over to be with me and they said You and your wife are not entitled to live in the army housing That means you re going to have to live in the German village We

said Great [Laughter] It was wonderful We had our own apartment and we lived with a German family which was really a wonderful experience just to be with them and get to know them We stayed with the Heintz family

But when I got to be the assistant Special Services officer my wife and I lived in the economy it was called with the Germans in the village And then I found myself really being interested in seeing Europe I had never been to Europe before so I was really interested in going places and my wife was too At that time most of the people who were in the regular army these were people who were career people who were in the army who were there in Germany at that time If you were in for two years up until this very moment you d never have been assigned there So they didn t have people who were in the army for only a short period of time but they had people who were there for the career or at least considering a career

So their idea of a good time would be to get their leave and go back to the United States or go home Or get out early My wife and I had just the opposite view We said we want to travel as much as possible and see as much as we could

It was real hard to make friends with officers because most of them were deadly serious about being in the military and I wasn t because I wanted to get out of there I knew I didn t want to make a career out of the military and I didn t want to get out so much as I wanted to just have a good time I didn t take it too seriously

McGARRIGLE How long a commitment was it for you at that point?

BATES It was a two year commitment which is what I had assumed it was going to be when I went into the ROTC It was going to be two years and then three years in the reserves and then I got out was my requirement

So we looked around to find friends and one of the people we liked was a guy who was an Airborne Ranger helicopter pilot His name was Kris Kristofferson the singer and actor [Laughter] We got to know him and his wife After Germany he wanted to become more engaged in Vietnam Vietnam was just starting so people wanted to get to Vietnam because if you could get to Vietnam you could establish your record in combat which would allow you to be able to get promoted faster through the ranks So he was real interested in getting to Vietnam

He came back to the United States and while waiting to go to Vietnam he went to Nashville and got involved with the music scene and then got out of the service and into song writing and then on to singing and acting and all of his life We sort of lost track of one another but that was one of the people that we got to know during that time

McGARRIGLE That s an example of the line from Robert Frost s poem about the road not taken

BATES Right right exactly

McGARRIGLE Nashville and not Vietnam

BATES Yes

The other people we got to know were the dentists and the doctors and my wife got to be friendly with their wives The doctors and dentists were the same situation I was in They were interested in seeing Europe They were interested in trying the wine and the beer and basically having a good time because they weren t really focused on remaining in the service over a long period of time

But what happened was I was in the service and I had been reassigned to be assistant Special Service officer So I was going through the correspondence one day and I saw this invitation from Basel Switzerland to have a football game our division against the twenty fourth Infantry Division which was our big rivalry

McGARRIGLE I m just going to change our tape

[End Tape 3 Side A]

[Begin Tape 3 Side B]

BATES I found this correspondence inviting us to play the Twenty fourth Infantry Division in this exhibition game in Basel Switzerland in what was going to be America Week which was established as America Week in Basel Switzerland So I thought This is great we ll get to go to Switzerland

I went to my commanding officers with this letter of invitation from Basel Switzerland and said I think this would be great let s do it They said Sure you investigate it and we ll do it I wrote them back and said We d love to come and participate in the football game Give us more information Let us know more as it gets closer to the game like logistics and stuff

About three weeks before we were supposed to play the game I got a correspondence from Basel Switzerland that said that the Twenty fourth Infantry Division had said that they wanted to play would participate but they d changed their mind They decided they would not play us because they were afraid that there would be injuries to their team and it was a practice game and it didn t fit into what they thought was in the best interest of their team

So I was quite disappointed I actually at that time had been in contact with people in Basel Switzerland about some arrangements and things They said Is there any way that we could come and stage a practice game among ourselves? Because they had already advertised there was going to be a football game At that time football was banned from Switzerland Rugby was considered to be a sport that was really beyond the pale it was too rough a sport to be even played but they

did play it but American football was something they saw occasionally on television which was a relatively new thing in 1962

So I went to my commanding officer and said Well would they like us to come And would it be all right? I checked with the football coach and he said Sure they could play an inter squad game So we were given the permission to go ahead and play the team just a practice game for this event

About a week beforehand I was in contact with them and I said Are we all set? They said Well we don t know exactly how this should work Maybe you should come down and help us get set up So my wife and I went to Basel Switzerland to try to set up this game

Well we got there It turned out they had no clue whatsoever about what was going to happen The field was a soccer field it wasn t designed for football it wasn t laid out The goal posts weren t there There were no referees There was no game announcer to announce the game over the PA [Public Address] system So suddenly I was thrown into organizing this event And I didn t speak German This is a German portion of Switzerland I got hold of some people who were going to the medical school in Switzerland and found somebody who knew football who would be the announcer for this game

Then all of a sudden it was like they realized how big a deal this was for the Swiss The town was all decorated with American flags everywhere and they were going to have a big reception for the American ambassador to Switzerland who was coming This football game was a big thing It was going to be on the radio it was going to be shortwaved around the world and it was going to be on television

McGARRIGLE And it was an exception to the rule that they didn t play football?

BATES Yes

McGARRIGLE And that was because it was the

BATES I said it was outlawed but I don t think it was they just didn t play it

McGARRIGLE Looked down upon

BATES Yes

But at this time in 1962 James Meredith had just integrated [the University of] Mississippi and there was a lot of press about African Americans and integrating society There was a big question because our team in the service of course was integrated at that time There were African American players on the team They were very interested in the fact would our players get along and be able to work together

I laid out the whole field got the announcer got everything Our team came down They were like heroes in town They put them on this trolley car that was an open trolley car They went around the town there was a big parade where all the people from the city came and waved gave them things These huge football players I arranged for their meals they had these wonderful meals with this wonderful food and the guys were really gauche They d take catsup [Laughter] and slap it on the thing

This was a coach of course that I was going to be a player for and then on his team as a coach and we d gotten along okay but he wasn t the most diplomatic person He came to me and said I m not playing this game My players are going to get hurt and I m not playing This was like the day before the game

So I said to him Well lookit What we ll do is we won t We ll just have to fake this whole thing so your players won t get hurt They ll know what play it is and we ll work it out so that it will be interesting for the players so they can have a

good time Nobody will get hurt We had no referees so I made the coaches the referees so they had to dress up like referees

The game day came the stadium was full It was I don t know 25 000 people were at the game It was on television it was all this stuff When it was obvious that all this was happening I called up to the division and said You ve got to send somebody down here I m a second lieutenant and you ve got to send somebody Well it had turned out that the division was called on a special maneuver and all of the people were in the field They were out doing maneuvers so there was nobody at the division So I said The general has got to come down here General Goodpasture or somebody of some rank They said Well we ll try to send somebody but it s unlikely

I went to all these receptions Here I am a second lieutenant with the ambassador there and all these people the Swiss It was like I m representing the army the Eighth Infantry Division

I decided that Well we ve got to teach the people about the game So we had these players come out and put on their pads They had on shirts and their underwear but they came out and put on the pads and what they wore equipment We showed them how blocking was and we showed them how to pass and some of the elementary rules of the game

Then the game started and I told the coach and the players I said Lookit At that time in football you d gain three yards and then you d go back in the huddle and then you d gain four yards I said We can t do this this is too dull So we ended up with the opening kickoff the guy kicked off and we said he s going to run all the way for a touchdown So the players were all actors now they re not players [Laughing]

The guy breaks loose and he runs for a touchdown they think this is really incredible The next kickoff the guy has a long run and then a touchdown pass It was a very exciting game [laughing] It was all rigged the whole thing Everybody on defense knew what the play was going to be but nobody in the stands knew any of this was going on So it was a very exciting game It was 34 to 32 or something and the people were all excited about the game

When the game ended they wanted us to keep playing The coach said No no We didn t play four quarters they just played for a while but it was a lot of scoring and running back and forth So the coach was very happy and said Let s get out of here Nobody s hurt

After the game the fans didn t want the players to leave they brought them all out flowers Here were these huge players and we had this one player who went on to play in the pros He was a very exceptional African American guy he weighed about 260 So here s this huge player this African American with this white guy They all got together in terms of the players and there was no friction that they could see and it was a really huge success

It was written up in *Time* magazine and *U S News and World Report* about this incredible thing that had happened The ambassador wrote to the general about how pleased they were about what happened that it really had put America a good step forward and all this None of these people had been there It just was Lieutenant Bates

I go back to the division headquarters where I was stationed They returned from the field and the general calls me into his office and personally decorates me with this award for doing this wonderful thing for him General Goodpasture later becomes the head of the Joint Chiefs of Staff I mean he works his way up At that

time he was a two star general and he becomes a four star general at some point So the chief of staff who actually runs the division the general obviously sets the policies and does things but they tell This is what I d like and the sergeant major really makes sure that everything happens So the sergeant major became my friend

At that point in time there was nothing I could do no wrong [Laughing]

McGARRIGLE I should think I have to ask you something why was the coach more concerned about the players getting hurt in this game than in other games?

BATES Well it didn t really count see He was afraid that

McGARRIGLE Oh it didn t count

BATES Yes It didn t count for anything so if they got hurt then he would have the injured player and they couldn t play when it really counted the next week or so when they d play But they had a great time The players had a wonderful time And they gave them all American flags They were waving these flags

But what happened was it was the first time I really realized that I was an organizer and could do this pull off this event So it was a major thing for me psychologically and everything else to be able to do that

At that point in time the division would go to the field about three quarters of the time I never went to the field I never went out on maneuvers Then I really started organizing We figured out we had this really good boxing team I set up this whole schedule to have this boxing team all of them were African American and the boxing coach was African American But there was an officer another officer who was responsible for the team

I would go and organize the schedule So they d go to Berlin they would go to Denmark they would go to Paris all these places I would have to arrive ahead of time and make sure everything was okay

McGARRIGLE You basically wrote your own job description

BATES Yes that s right So I ended up being able to see Europe and travel all around and see all these things under the auspices of these sports I went to clinics and became a referee in baseball and basketball and a boxing official

McGARRIGLE All for the armed forces

BATES Yes all the armed forces around these teams that we had We had a phenomenal boxing team Our heavyweights person on our boxing team went to the Pan Am games He was the United States representative to the Pan Am games He turned professional and he didn t do too well as a professional He was good but the reason was he was left handed so he couldn t get anybody to fight him since he had such an unusual style for that weight that they wanted people to be right handed So it was hard for him to get fights

McGARRIGLE What was his name?

BATES Gosh I forget off hand

McGARRIGLE We can add that later

BATES Yes

But out of ten different rankings we had five people who were interservice champions They were the best in the army and navy and marines We had four people who were All Army So it was just this phenomenal boxing team

I didn t realize this but what happens is that the Eighty second Airborne Division which is located in Fort Bragg North Carolina all of these boxers are assigned to the Eighty second Infantry Division They are there until they have to

go overseas When they go overseas they would go to our division the Eighth Infantry Division which also was an airborne division which meant that these guys would get extra pay they had to jump out of planes every once in a while to get extra pay But they did nothing but box all year round That was it that was their job They would get promoted and they would fight All Army so they were treated separately and they had their own I mean they had to train it was very rigorous training But they were phenomenal

We went to Hamburg Germany and fought a club team They had a group of people who were interested in boxing younger people We had ten matches We won nine by knockouts Nine people they knocked out out of ten and the other one we won on the decision It was just phenomenal this team So everybody wanted to see these the Black Jewels they called these guys They were so incredible

McGARRIGLE So they would play local teams as well as other ?

BATES Army teams Yes these club teams they had these clubs in various cities And at that time I don t know if they still have them So you d come and box They were amateurs but these guys boxed all year round I mean they were like professionals they fought so many fights They were really phenomenal And the coach was a great coach He really was an excellent coach

So one little boxing story We had two infantry battalions in the division the 504 and the 503 They were both stationed in Mainz Germany and they had I don t know I m guessing 500 people in each brigade They had a boxing match between the two battalions I was referee I had just gone to referee school and so I was going to be sitting behind the ring and scoring the boxing but the actual

referee who was going to be in the ring did not show up He had some problems with a car it was a snowy evening so he couldn t get through

The stadium was packed with people All of the battalions people had come there And the colonels full colonels were the heads of these battalions One colonel was sitting beside his side of the stadium and the other one was sitting on the opposite side of the ring and they were like divided down the two These guys they were all airborne macho kids

The very first match I d ever refereed in the ring with the smallest guys they were lightweights That meant that they probably weighed 110 pounds maybe 120 pounds Really small So it was the lightest weight working all the way up to heavyweight ten different things They start out and the rules were they could not have had more than three fights to be in this contest If they had more than three fights they weren t supposed to be able to play

So they come out and the people are screaming You can t even hear yourself think they were yelling so loudly They come out and they just start swinging away at each other as hard as they can for the first round They go back to their corners Second round they come out and they re swinging away and I don t know if you ve ever What happens when you do that you waste all your energy So the third round they came out and they were just exhausted They could barely lift their arms So one guy hits the guy and they go into a tie up tie each other up so they re interlocked arms I step in between them and put my hands between them and people are screaming like crazy I put my hands between them and say Break which is what you re supposed to say and you tap them on the back I say Break but they don t break They re so exhausted they can t even move

So I put my hands between and push them back Both boxers go down They both fall down [Laughing] At which point the whole stadium started booing the referee So I go over to these guys and they re out [Laughter] I go over to them I m screaming in their ears Get up! Get up! Finally they struggle to their feet and that was the end of the match And that was the last time I ever refereed a boxing match [laughter]

McGARRIGLE You went the rest of the evening?

BATES No it stopped That was it You kidding me? They were going to kill me The colonels were both standing up [Laughter] pointing My guy! I couldn t believe it They both were so exhausted so that was that my boxing career

I have a few sport highlights like that Another flashback football We [Cal] were playing Notre Dame at Notre Dame [South Bend Indiana] and it was on national television It was getting worse by the minute The entire stadium is full of people Notre Dame is winning easily and it s not even a good game they were just so far ahead of us But I m playing an end and of course on an end position so we are trying to throw a lot of passes so I am running down field all the time

Well today and I don t know if you watch professional football or college football if a person runs down the field they take him out of the game and they put somebody else in the game Well there was no substituting so I m running back and forth and throwing blocks down field I am just exhausted I mean I m really really tired

So it s fourth down the fourth quarter and we need to kick the ball so I m lined up for the kick I m outside the end There are two blockers on me to try to stop me from going down field quickly So I fight these two guys and I get loose and I m running down the field and it s a very high punt so the guy signals for a

fair catch But there s another blocker back there with the person that s catching the ball to help him spring him loose I m running down the field thinking Oh thank god He s signaled for a fair catch So this guy comes over and he starts to block me throws himself at me I am so angry at this point and so tired He s missed me and he is on the ground I m just so mad at this guy for doing this I put my foot back as if I m going to kick him I mean I thought about kicking him seriously Brought my foot back I didn t kick him I stopped But it looked like I kicked him I mean if you looked at the replay or something then you could see I didn t kick him but as far as the 65 000 people in the stadium they all thought I d kicked him [laughing] So they started booing me and that was my claim to fame [Laughter]

The referees didn t actually call a penalty but when you looked at it later I did not kick him But I brought my leg back and brought it forward as if I was going to kick him I was so mad So this is one of my great highlights [Laughter]

McGARRIGLE Was that traumatic to be booed by that many people?

BATES Oh yes it felt terrible How could I do this? Well I know why dead tired people are blocking me unnecessarily and they re winning it s not even close

Then another time playing against Michigan State we were playing at their stadium in Kellogg Michigan The stadium was built straight up and it is just full of people It was the first game of the year so it must have held about 80 000 people this stadium It was full Same way with Notre Dame was full too Back to Notre Dame I m leaving and people are throwing things at me It was such a goat But I think I told you this story of Michigan State remember when I was down field and he overthrew me the pass?

McGARRIGLE No

BATES Well we had this play that we put in specially where it looked like it was a run with only one person going out for a pass and that was me and it was a fake hand off to the fullback who was to run and then when he got to the line of scrimmage he was to fall down They had it in a downward spiral so you couldn t really see if he had the ball or not So everybody was to block like it was a run except for me and I was to go down field and I was supposed to pretend to block the safety like on a run Prior to that time during the course of the game I had had many times when I was supposed to block the safety so it was fairly routine the way I would do it

So I ran and the pattern it was like a run I didn t run directly at him I ran into the middle of the field and then towards him like I was going to block him Then I made a fake block moved my arm and shoulder up like I was going to block him He sidestepped me and ran forward to be in on the tackle

The quarterback has got the ball didn t hand it off Nobody s going to get the quarterback he has a lot of time and I m running down the field There s not anybody twenty yards from me so I m just totally totally wide open The fans in the stadium you can hear they think it s a run All of a sudden there s this Ooh like everybody realizes the quarterback Joe Kapp has the ball and here I am twenty yards open wide open So he throws the ball and I think Oh my god I m going to make a touchdown [Laughter] I m going to make a touchdown

He threw it and I m running and I can remember just thinking This is great and people are just Ahh You hear this big sigh and there s nothing So he threw it and he overthrew me and I dove and just missed it Looking back all these people going Oooh The ball coming it was almost like a movie or something and then seeing the ball and realizing I can t catch it I m sure that if we were ever

to do it again you would never throw a pass like that You d just throw it up in the air and they couldn t catch me if they wanted to You just lob it so I could run under it But that was some of my great highlights [laughing] The kicking incident and the overthrown pass

I m sorry I lost my train

McGARRIGLE That s okay this is all interesting Let s bring you back to the States back to the army

BATES Okay back to the army for just a moment more and then we ll get to the States

Basically because of this status that I had gotten I never went to the field These guys would go to the field I had stopped wearing my uniform I started just wearing civilian clothes I was always traveling So they were going to the field and I was going to Berlin They were going to the field and I was going to Hamburg or to Paris or some other place with the team So there was a huge animosity that grew the people because And then I never hung out with the officers I was with our friends who were the doctors and others so I never went to the Officers Club I never was involved in anything in terms of the army My hair got fairly long considering everybody else Everybody else was regular army all the way here I am sort of Lieutenant Bates going along

The general unfortunately rotated to another assignment The sergeant major who was also like my protector also left We were in the Special Services and we had to report to another lieutenant colonel who also changed So I had a new lieutenant colonel This guy said to me he said he was going to make a soldier out of me before I left the army They were going to transfer me down to Baumholder down to this god awful place but luckily they reassigned me out of the Special Services into the regular administrative unit and then they were going to reassign

me to Baumholder Germany I had learned that you re supposed to learn the rules so I read all this stuff It turned out they couldn t transfer me because I had less than a year to go according to regulations I pointed that out which really made them livid that I wasn t going to go

The next six months was a very awful time for me I would come report to duty every morning at seven rather than stroll in at nine and leave at three or something They tried to send me out to the field so I went to the field one time But it wasn t too bad in the field I kind of enjoyed it it was like being a Boy Scout or something as long as it wasn t real

My son was born in Germany At the end of the two years they had a problem with manpower we d gone over there for two years but they still needed people to stay in Europe longer because they had all the people rotating back now It compounded the problem They said you could extend your stay in the army up to one month up to a year or longer if you wanted to do so My son was due in June and so I was supposed to get out of the army in May so I ended up extending my time to beyond June so I could have the baby I was still in Germany my wife couldn t travel So I ended up staying a little longer

During that time luckily the thing sort of blew over It wasn t quite as bad When I got out of the army I had a two month old baby and a wife I was trying to figure out What do I want to do for a living? I didn t actually know what I wanted to do I knew I didn t want to be in the army I also needed to know where I wanted to live I figured one of those two things has to be resolved I decided a place to live was more important than my future employment At least I didn t know what I wanted to do

We decided that we wanted to live in Mill Valley California My wife was from Marin so we left drove across country this little baby and arrived in Marin County Her parents lived there I had no money no job a baby and a wife

Because I was in the service I was able to draw unemployment so I drew unemployment for a little while I met a football friend of mine played football with me at Cal and he was telling me about this great job he had He worked for a real estate company in commercial real estate you were your own boss You got to take as much vacation as you wanted to take nobody told you what to do You had your own hours You didn t sell homes you sold commercial buildings and you made a lot of money

[End Tape 3 Side B]

[Begin Tape 4 Side A]

BATES The company got their percentage 3 percent you still made really a sizeable amount of money This company had three offices They had an office in Oakland San Francisco and Los Angeles The name of the company was Coldwell Banker Company It sounded good to me

I interviewed and I looked at other opportunities but this seemed like the perfect thing You could make a lot of money you were on your own you could take as much vacation as you wanted you could do whatever you felt was necessary to make a living Nobody was telling you what to do

I went to work for Coldwell Banker in Oakland and I lived in Mill Valley which became a problem I started at $375 a month and we were paying rent that was $180 It was really hard to make ends meet My wife didn t work she had the baby I would drive back and forth we would carpool Eventually we had to move

to the East Bay just because I couldn t afford to drive back and forth and all the rest of the time so I ended up moving to Oakland

I was a property manager for Coldwell Banker for one year You manage property and then at the end of that one year I was a salesman for Coldwell Banker I found myself unlike in the army where I was at odds with the people and that whole military view of rank as the most important thing and ability and knowledge and things were really secondary to position The whole gung ho idea of the military it just wasn t a good fit at all for me

But when I went to work for Coldwell Banker I liked the people I worked with I especially liked this one guy who was sort of my mentor His name was Paul Kell and he was in the insurance department He wasn t in real estate but he d sold things and been involved in stuff and he took me under his wing We used to have coffee every day and talk about things He was very helpful to me

But I started selling commercial industrial real estate and I was very fortunate and was quite good at it I ended up making some substantial money selling property I was very lucky too a lot of it has to do with luck One day I was in the office and this fellow came in and he didn t know any salesmen Coldwell Banker had the policy that you couldn t own any of your own real estate You couldn t buy real estate yourself You had to only work on behalf of your clients So for instance it s not uncommon for a realtor to see a really good buy and buy it themselves rather than offering it to anybody else but they had this rule that you couldn t own any property

Well I didn t have any money anyway to do that but this guy represented the Ford Motor Company the Lincoln Mercury division and they were looking for dealerships to put in dealerships in northern California I worked as his agent and

I was able to make a deal in Hayward and one out in San Ramon Valley and one in Oakland so it was a very wonderful client for me

McGARRIGLE This is because you were there when he walked into the office?

BATES Just because I was there

McGARRIGLE And then he liked you

BATES Yes and we got along really well and really worked well together I made four deals my commissions for those four deals probably were in the neighborhood of I don t know $60 000 something like that over a few years which at that time in the 1960s this was 65 66 was a substantial amount of money

McGARRIGLE If your base salary was $375 a month

BATES See what happened actually the base salary was $375 a month and then when you became a salesman you got no salary

McGARRIGLE You were all commission

BATES You were all on commission when in sales everything commission The other thing was they paid a salary for property managers who took care of clients property

McGARRIGLE I see

BATES Yes So I sold commercial buildings There was a big turning point for me in those years there was an issue that came before the voters Proposition 14 [November 1964] which had to do with fair housing said that you couldn t discriminate against people on the basis of their race color or religion Everybody in the real estate business that I knew was totally opposed to this idea that you would impose this restriction on property owners except me I thought Well that s only logical you shouldn t discriminate against people

I found myself getting more and more isolated from their conservative views about this I thought that human rights were more important than property rights And then I became unhappy with actually being a salesman because the nature of it was that you tried to make this connection but it was always like somebody was always getting the short end of the deal I thought that it would be better if I could work as a real estate developer that I would have more control over my destiny rather than being a salesman

I was offered a job with a friend of mine at that time whose name was Peter Bedford I left Coldwell Banker and went to work with Peter Bedford working as his partner He was doing 7/11 markets They were coming into the fore in that time so he was going around buying property building 7/11 convenience markets Then they would enter into a long term lease the Southland Corporation which owned at that time the 7/11 markets and they would enter into a twenty year lease You could take the lease and the property and you could basically borrow the money to build the building and do all the things necessary with that as collateral and then you could actually sell it to someone as the finished product So you d say when this is all done you will have a building you ll have this lease which will have a return You could sell the whole package and give someone a 10 percent return on the lease Southland Corporation will maintain the property they ll pay all the taxes and all the insurance You get a cash flow of 10 percent on your investment plus you get the depreciation of the building and a tax break on the depreciation of the building

So as fast as we could build them there were buyers to buy them I was doing that And then I started building Foster s Freezes And then I met some people

from Colonel Sanders I hate to say this but I built a Colonel Sanders I think I built the ugliest development I just was so embarrassed at one point in my life

McGARRIGLE Was it all in northern California?

BATES In northern California yes around here Around the East Bay and northern California I did a Foster s Freeze in Napa and I did a Foster s Freeze (this was really embarrassing) and a Colonel Sanders on this piece of property in San Ramon They were both on a small piece of property if you can imagine these two buildings a Colonel Sanders building you know with the big roof and a blue Foster s Freeze [Laughter] They tore it down thank God they tore it down But when I built it somebody bought it right away

It was such a difference in the development in those days We d make an option on the land from someone so we d say I ll buy your land if I can get the city of Napa as an example to allow me to build a building on your property It had the opportunity then to go through all the zoning all the building permits everything get it all ready to build and you could do this at that time There weren t the environmental EIRs [Environmental Impact Reports] and all kinds of stuff You could do it in probably six months you could do the whole thing Get the land under option and in six months you could have a building permit

So by the time I actually had the building permit which means I can go ahead and build it I had sold the property Before we even broke ground you buy the property one day and you sell it the next day practically and you build the building It was like I had no money involved in this deal One deal I did I had I think $250 I had time obviously involved in it and I had travel and other things but as far as actual out of pocket money it was like $250

It was going along and I was doing these buildings with Peter and then I got reacquainted with my friend Ken Meade who came over to my house one day with another friend a guy by the name of Tom Herman Tom Herman was somebody we knew out of college who had gone to Oregon and married a friend of ours who was in the same social set in terms of friends that we had Tom Herman later became the head of Delta Truck Lines He worked with Lucky Stores and when they sold the company he got a golden parachute He went to work as president of Kragen Auto Stores I mean this guy s done phenomenally well Now he s an entrepreneur buys companies and turns them around and does things

So he came over he hadn t done any of this yet he was just working with my friend Ken and they announced that Kenny was going to run for the [California State] assembly and would I help him run for the assembly I was a Democrat my wife Carol was much more active politically She was involved in the League of Women Voters they used to meet at our house So she was interested in issues of that nature I was interested but not phenomenally

I found myself being in terms of real estate having this moral problem particularly when I got out on my own It was bad being a salesman but it was even worse being a purchaser of property I felt that I should give the people what it s worth right not what I can buy it for When you buy it and turn it into another use it s obviously worth substantially more than if it s unimproved land or something I felt somewhat guilty about that some guilty pangs about that And then also making deals I was looking for something that I could do maybe as another interest

So politics came along and my friend Ken was interested in running for the state assembly against a fellow by the name of Don Mulford who was the

incumbent Republican who had served in the assembly at that time for eleven and a half years He was the minority leader in the assembly This was 1968 I said I would be interested in helping him

I became the treasurer of this campaign It was a campaign where we hired professionals to run the campaign A guy by the name of Don Solem who s a major lobbyist professional campaign manager in San Francisco I think I read where he was the second highest paid consultant in San Francisco He s now a major lobbyist I think he probably grosses ten million a year or something in fees he does phenomenally well His wife is in his company He was new and just starting out He was assigned to our account and we worked with him

He got the Democratic nomination because nobody thought they could beat Mulford The people who had been in the area had run candidates and tried to unseat Don Mulford before and they were unsuccessful and they had just basically given up The *Oakland Tribune* at that time the major newspaper was owned by the Knowland family and William Knowland would just write up Mulford all the time He was always in the paper Anybody who ran against him they would find whatever dirt they could or twisted stories and facts in all kinds of ways to help Mulford He d have his picture and front page headlines during the course of the campaign It was exceedingly difficult to run against him It was like running against this guy plus the newspaper

Kenny and I started to raise money We went back to all of our old college friends and nobody knew Kenny s politics particularly Nobody knew my politics especially But we were able to go to our friends and have parties and Kenny was enamored with [President] John Kennedy s legacy He sort of walked around like Kennedy had his hands in his pocket like Kennedy Now Kenny was a lawyer at

that time had gone to [University of California] Boalt Law School and was working for the firm and he wasn t happy with the practice of law I think he was doing insurance defense work representing the insurance industry against plaintiffs in auto accidents and stuff So he was very unhappy with the law

But we raised over $100 000 and I really got interested in the campaign and the whole mechanisms about running campaigns and about campaign management I worked with Don Solem and we did things that didn t make a lot of sense to me like we put up a lot of signs on telephone poles and on PG&E poles you know called one sheets Put them up Mulford he was so powerful that he called PG&E and Pacific Bell and they sent their workers around and took down our signs So we put them up and it cost us as I recall it was like $4 000 This was a lot of money to put up these signs and the next day they were all down There was no coherent plan about winning

So we lost It wasn t even close I think Mulford got 55 percent of the vote and we got roughly 40 percent the rest being unknown But Kenny really was bitten with the bug and he d done better than people thought I became really interested in campaign management When I worked in Ken s campaign Peter Bedford and I my partner I basically wasn t paying much attention to the real estate development I was more interested in the campaign But I did have enough activity going on that I was still making money But it wasn t really working out

Peter Bedford was and is I believe still an extremely principled person He was really an excellent developer in the sense that he was honest and he didn t try to gain favor from politicians by contributions and he would tell people the truth He generally speaking paid a fair price for property I mean he didn t go over backwards to do that He obviously was trying to make the best deal he could for

himself But he was a very principled person and really his word was good and he is I think an outstanding person

So I left Peter and went out on my own I went with another fellow who was interested in politics I ll tell you about him in a second but his name was Claude Cody So Peter got another partner to take my place the Kemper Insurance Company Kemper Insurance Company it wasn t exactly a one for one trade [Laughter] But Peter then he had money of his own his own family money and his wife had money But suddenly he had half a billion dollars or something behind him So he took his company that I left and became a billionaire himself You know property all over California and Hawaii He owned property in southern California he diversified he s done just phenomenal things

He ran into some hard times and he and Kemper ended up splitting and at one point I think he may have overextended himself He had some financial difficulties He may have gone through some kind of bankruptcy but it wasn t anything he bounced back So if I had stayed with him I may not have been a billionaire but my life would have been different

If I d have stayed with Coldwell Banker they really didn t want me to go they wanted me to stay and work with them They of course went all around the world these three offices ended up being a real estate company that went around the world So I always laughingly look back at choices roads not taken

McGARRIGLE It was not your calling though

BATES It wasn t my calling

McGARRIGLE No it seems like it was clear at that point

BATES It wasn t it really wasn t

Also my wife it was interesting Carol did not like real estate either It was somehow or other something that she just didn t think I should be involved with I should have a higher calling

So I went to work with Claude Cody who was really this wonderful guy He d made a lot of money in building cable systems He was interested in helping Kenny Meade run again He was interested in me working with him and doing development but he was really interested in me helping with Ken So I went to work with Claude and started reading all about campaigns and studying all about campaigns I attended some seminars and spent a lot of waking hours really thinking about his candidacy

I went to him and said Are you interested in running again? after he lost He was reluctant in some ways so I said basically Look Kenny it doesn t matter If you don t want to run it s not a problem Because I m interested in campaign management I ll just do some other stuff It s not a problem but I m going to still do this field

He said okay he in fact was interesting in running and wanted to run What happened is I was paid by Claude Cody and worked full time on Ken Meade s campaign for almost a year prior to his running and then the whole year that he ran so it was a two year time frame that I was involved with his campaign And things happened this was 1970 In 1970 eighteen year olds were allowed to vote for the first time It used to be twenty one eighteen year olds were allowed to vote There was huge political activism that was going on at that time A lot of people were fighting the war in Vietnam and there was a lot of political activism in the sixties in Berkeley Ron Dellums had been elected to the Berkeley City Council in I believe 62 and people were interested in politics

In 1966 Robert Scheer had run for [United States] Congress against a very popular liberal Democrat by the name of Jeffrey Cohelan who was a supporter of the war at that time and it was changing and this was a big anti war movement that was coming down In 68 when Kenny ran and lost a fellow by the name of John George ran for the Congress and lost When John George ran they looked at the votes that Scheer had received and he d done phenomenally well but he hadn t really got into the African American community So the idea was that if John George ran and he was African American he could get Scheer s votes and he could get the African American vote and that they could maybe unseat Cohelan John George was a wonderful person but he wasn t a fantastic campaigner He did pretty well I think a little bit better than Scheer but not much

In 1970 when Kenny was running Ron Dellums was running against Cohelan He was a Berkeley City Council member and tall six foot four African American guy who was incredibly articulate He excited everybody and there was huge huge outgrowth of activism around his campaign He actually in June won the Democratic nomination and went on to unseat a sitting incumbent Democrat Jeffrey Cohelan and it was like a shock wave that he won The first thing he did was introduce a resolution to end the war in Vietnam Held hearings and he was fighting the fight He had a very distinguished career in the East Bay

So Kenny s campaign was such that in 1970 we started doing voter registration Part of the strategy was to get more people to register The registration was 54 percent Democratic which was considered to be at that time marginal because Democrats usually don t vote and when they show up to vote they don t vote with great loyalty So they would vote for Republicans and other Independents They don t stick with the party Where Republicans in my

experience say they vote for the person and not the party but the person is always in the party that they vote for

So we undertook a really serious voter registration drive We were able to go from a 54 percent to almost a 57 percent so like a 3 percent increase in voter registration which was pretty phenomenal

McGARRIGLE Can you explain the voter registration drive that you undertook in practical terms?

BATES I can At that time if you were a deputy registrar of voters you had to register everybody who wanted to be registered to vote In other words you were empowered by the county to register voters so you registered anyone who came along

We weren t the only ones but we instituted what was called a [beater?] system where we would go door to door with the registrar of voters who would be not knocking on the door but would be available The person would knock on the door and ask Are there any unregistered Democrats in this household? And if somebody would say Sure there s some Democrats you d say Great here s the registrar Bring him in they d register to vote If they said they were Republicans they d say Well then you can go down to the courthouse and register [Laughter]

McGARRIGLE How did you get staff time from the registrar of voters?

BATES Oh see what actually happened they deputized our people Once you were deputized you had to register everybody You had no choice But see we weren t interested in registering any Republicans at all So we did that we went door to door We sent out teams and we kept our registrar and if somebody came up and said Look I m a Republican I want to register you just registered my friend he s a Democrat I m a Republican I want to register too you d register him You had no choice We didn t break the law

So we did that and then we did another thing that really worked for us Nineteen seventy was a time of lifestyle changes where people had really long hair and tie dyed shirts and sometimes no shoes So we found these people that we considered to be sort of freaky looking and we paid them Oh I should tell you we did pay these people to go door to door we paid them an hourly wage When they came in every night we went over where they went what they got who they registered and all the rest so it was really incredibly organized

But then we got these people who were freaky looking people with long hair and we wanted them to be and we made them deputy registrars and we put them in shopping centers What we found was that Republicans would not register with people that they didn t feel comfortable with So we registered Democrats We watched it very carefully We d go to the Safeway market See if we got two to one that was OK but if it was like three to two it wasn t worth it So you d have to go someplace else You d bring in somebody who looked scarier or something

So we did that and then we had a very active campaign at the university We met some phenomenal people that came along that helped us One guy Jeff Gordon who was a student organizer came to my house I d never met him before He knew I was running the campaign and he came to my house and he said Ken Meade is going to win and here s why Then he proceeded to pull out like twenty six different maps studies that he d done about Ken s campaign Jeff at that time looked like Lenin He was skinny and he was totally intense totally involved in this campaign He just threw himself into this campaign with such a gusto He was working the campus

He said One of the problems with the campaign is that Kenny is not identifying with the Democrats enough He s trying to be independent Ken s first

bumper sticker if you can believe when he ran in 68 said Ken Meade Did not say what office he was running for or anything It just said his name So we decided that we needed to be more partisan so it became Ken Meade Democrat for Assembly

At that time it seems elementary but because we wanted the loyalty we were going to get the voters to register we wanted the loyalty to the Democrats At that time it was a risky thing It was Oh whoa you re putting that on there Democrat for Assembly In a district that s kind of a marginal district It paid off We did actually have the loyalty and it worked It was a small thing but he argued for it Jeff did and we accepted it and it worked out

We did polling We did the issues We raised money like you wouldn t believe In 1968 we raised $100 000 we raised about $175 000 two years later People did see we had a chance to win so we got support from [Assemblyman] Jesse Unruh who said actually in this case it was not Unruh it was [Assemblyman Robert] Bobby Moretti who was running for speaker and he wanted Ken to be elected And he liked Ken a lot We had our headquarters we opened our headquarters we made it and Unruh was running for governor against Ronald Reagan Unruh and Meade Headquarters Unruh and company didn t have anything going on we were the whole campaign

We designed a system which I used to call sort of a wastebasket approach If you re walking down the street and a piece of paper drops on you you don t think much about it But if somebody dumps a wastebasket on your head you know something has happened to you So we entered the campaign with a

[End Tape 4 Side A]

[Begin Tape 4 Side B]

BATES entered the campaign with the idea we were going to get impact it was an impact theory So Kenny had to walk every day and he really was good about it He had to walk and he had to write a note about everybody that he talked to And then if he met you and you had beautiful roses he would make a note Roses Or a sick child or whatever was going on with you that he could identify with And then when he got back to the office we had a volunteer who I m not going to mention his name he was in advertising and went on to do really phenomenally well in advertising and he s very famous But he also at that time had a very serious dope addiction [Laughter] He used to smoke dope and come in and write these letters for Ken response to these people that he met And they re some of the funniest letters He would say things like I thought that we really had something going when our eyes met we d have to edit them [Laughter] He d get a little carried away

But everybody he met they got a personal follow up letter from Ken Meade Albeit it was not by Ken but by somebody else We telephoned them They got a mailing the last two weeks you would get like five mailings six mailings We did something that nobody at that time at that time it seems like it was really a radical thing We did a computerized letter with a computerized typed on envelope The letter itself was a personal salutation It changed in the letter like some information changed and his name Now today that s fairly common but in those days you could do it through a window envelope you could show the name and address but that would have made it like a business We typed the addresses on the outside of the envelopes It was done in southern California and they shipped the letters up to us It was to go out about a week before the election

We got them and they had screwed them all up The envelopes did not match It was supposed to be like in one box was supposed to be the envelopes and the other box was supposed to be the letters They were all screwed up We didn t have a clue which went with which

So we called in all these volunteers which we had a lot of volunteers and we worked for like four nights straight four days and four nights matching the envelope with the letter and sending it out to people And then we had phone banks going We walked every precinct twice with people And that s unbelievable

McGARRIGLE And was this all strategy based on your research and testing new ideas?

BATES Yes and issues that he was pushing At that time the war was still an issue It was a concern it wasn t a state issue but it was an issue Education The environment was becoming an issue Eldridge Cleaver had spoken at Cal and there was a big controversy about that Free speech was an issue with people You know a liberal Democrat representing the district and it was changing the district was changing from today the same area is probably oh gosh The whole district was 54 percent but the district included Orinda and Moraga and Lafayette so those are very conservative areas So the Berkeley Oakland component piece was probably maybe sixty five percent Democrat Probably today it s seventy percent or more in that same area So it was changing the demographics were changing

But we had good issues and the campaign had just a phenomenal number of volunteers See what occurred was that Dellums s election was in June He beat Jeffrey Cohelan in June We were registering voters and we had no contest in June There was nobody contesting Ken for the Democratic nomination People still didn t feel locally that there was a winnable seat and he d run before so he sort of

had a leg up nobody was going to challenge him So we worked hard not to have anybody run against him in the primary

Then Dellums wins and then in November of 1970 he runs against a Republican but it s a hugely Democratic district so a lot of the effort the people who helped Dellums realized that Ken Meade had a chance at beating Mulford came to help us too Our campaign Kenny did something which was considered to be gutsy I guess and it was a good gamble I mean it was gutsy He was neutral but Cohelan obviously Democrats establishment people were for Cohelan and outside people were for Dellums But Kenny actually walked election day in the primary actually walked a precinct for Dellums and people heard that and recognized that he chose sides albeit the last day but it did help

So in November we were totally connected in terms of get out the vote and all the rest the campaigns worked closely together And then we were lucky In 1968 I got to know as the secretary treasurer the head of the Central Labor Council a fellow by the name of Dick Groulx and his wife Pat Groulx Pat Groulx ran the COPE [Committee on Political Education] operation The COPE was a political arm and it was growing in terms of they had tried they were actually for Cohelan Cohelan came out of the labor movement He was a truck driver actually a milk driver and then he became a lawyer and then represented the milk drivers the Teamsters And Dick Groulx was out of the Teamsters so they were for Cohelan

But they recognized how great Dellums was as a spokesperson and as a Democratic leader so they didn t have any trouble switching and he made quick alliances with labor But they knew me from 68 and they trusted me even though I had short hair and wore ties and was a real estate person So I had a really close

relationship with them and they really wanted Ken They hated Mulford and they wanted Ken to win So they really were phenomenally behind him

We did some things that were close to ethical questions One of the things that happened is that we had a That s just not true that s actually later They set up phone banks they walked precincts they had car signs they were really strongly allies raised money all kinds of money for us and for Ken They trusted me and Ken they really liked me Dick I used to have lunch with him at a place called The Sirloin which is no longer around It was the darkest bar You d go in and before lunch Dick was a very heavy drinker and he died unfortunately at a relatively early age But we d have like two drinks before lunch This was the time when people drank drinks wine during lunch after lunch drinks and then try to walk outside from this dark place the sun and then try to work the rest of the day It was like impossible

But he was a very strong ally and became my close ally too later in my career and stayed very close to me

So we had all these things going Dellums we had this enthusiasm Then we had a break We got a break which was Mulford was considered to be a really right winger anti welfare and so it turned out that his mother was getting Medicaid We were strongly allied with the unions which were the county workers 535 and other people so we knew this that he had this stuff And he was such a hypocrite because at that time the law changed but the law at that time was if you had what was called a responsible relative so if your mother was on aid albeit old age assistance you had to pay if you could afford to do so He said he couldn t afford to do so He lived in Piedmont he had an insurance agency and he was a legislator Maybe he couldn t afford it I don t know but it didn t look good

What we did was I thought Well this mailing is not going to go over in Berkeley It s just not People are going to see this and they re going to say This is low blow this is dirty politics blah blah So we didn t mail it to Berkeley We didn t mail it to what I considered to be the liberal parts of the district We did mail to Piedmont we did mail to other areas Orinda that we considered to be more conservative from demographics looking at all their voting patterns

He d gotten scholarships for his kids from Louis Lurie who was a big developer of stuff in the Republican party highly questionable stuff So we wanted to tell this story at least to let people know that this guy was a hypocrite So I went to a young banker who had a bank Pete Stark who was interested in politics Told him all about it He said I ll send a letter out to people telling them this So we drafted a letter for Stark and that was also an exceedingly gutsy move for him to do this I mean we really wanted to beat Mulford You either loved him or hated him right? And he really engendered this thing So when we found out he was a hypocrite and we did this mailing

Mulford got this mailing They went crazy He had a lot of money He had twice the money we had They assumed that this mailing went everywhere so they did a response to the mailing and they mailed it everywhere in the district denying this allegation that people had never heard about in the first place So it had a great effect for us in the areas that we wanted People got him denying something that we never raised with them that he raised with them So that s a big problem with politics is

McGARRIGLE What a fascinating story

BATES [Laughter] So then we had people calling us at the end of the campaign They said Ken Meade has come to see me his wife has come See Sharon walked

precincts We also did a mailing which was a little hokey but we didn t do it in Berkeley either which we mailed out pot holders with his name on it because nobody knew his name So we sent out pot holders Then we sent out Kenny jokingly said he wanted not to just send them a pot holder he wanted to send them real pot and tell them to try this before you make up your mind [Laughter]

And then his letter from his wife accompanied the pot holder You know the wife s letter which was we all kind of held our nose and wrote this letter supporting her husband Sharon his wife at the time and she was great She walked precincts he walked precincts So people would call and say Ken s been by my house I received a phone call a personal letter his wife has come to see me I ve gotten a pot holder two phone calls three volunteers Don t send me anything any more I m voting for him! And we say You know what you re going to get two more pieces of mail because it s in the pipeline

Election day 1970 the day before we heard on the radio that it was going to rain the next day So I was convinced that God was a Republican [Laughter] And He was out to get us I was working at this night and day I weighed myself right after the campaign I weighed 140 pounds (before the campaign I weighed 200 pounds) I was smoking three packs of cigarettes a day I was working from dawn till one in the morning two in the morning for this intense period of time I was getting paid by this guy Claude Cody but it was the end of the deal I wasn t getting paid I hadn t worked in real estate for two years really At that time it used to be you could make a deal in six months but things were changing it took like a year Even at six months I had nothing going on and no work none

I had personally gone to the printers wonderful people Abby Press They had printed all this stuff We had this bill that was like $18 000 to give you an idea I

bought a house in Crocker Highlands just before this campaign really started for $32 500 So almost more than half of my house The house later sold for $400 000 a phenomenal escalation of value But $18 000 was a huge amount of money And they made it very clear they didn t know Meade they knew me and they wanted me to pay this bill I said Okay when we win we ll pay the bill

So I had everything no job to go to $18 000 in debt physically a wreck just unbelievably working night and day but actually loving it every minute of it really Just couldn t do it for a very long period of time So we knew it was going to rain So we figured out that we needed to it was dark it was November so we needed to get flashlights for everybody we needed raincoats we needed to give them food give them an apple and a sandwich and instructions who they should get out and vote for

On election day we had set up for people to come in and volunteer and of course we were phoning people and saying If you can help us any day help us election day All these people had walked precincts and identified voters we had identified all of our voters We d gone to the door Are you for Ken Meade? Yes Great be sure to vote blah blah So we knew who they were by name

And it poured It just poured It just unbelievably rained Two thousand people came and volunteered to do get out the vote Went through our operation they signed in 2 000 people Unbelievable We had so many people working precincts we had four people on a precinct normally you do two We started out we sent out two people and then more people showed and we sent two more We ended up with eight people in a precinct our key precincts Mulford said that he felt like Custer [Laughter] The last stand We had so many working to get out the vote

Kenny had this plan His plan which was a joke the joke in this part he was going to put a truck in the tube [Caldecott Tunnel] so that people from San Francisco couldn t get to their Orinda home in time to vote [Laughter] But we ran 2 percentage points above registration so we got 58 percent of the vote Just this huge huge landslide great showing for him By that time he [Don Mulford] had been a thirteen and a half year incumbent guy who s the head of the minority party their chair was defeated It was I don t know It was pretty phenomenal And Dellums wins Meade wins

Mulford used to go around and he had this thing he d say You know what s going to happen is if we don t to stop them Dellums wins Meade wins before you know it they ll take over the Oakland City Council they ll take over the Berkeley City Council take over the school boards the water boards the park boards and this whole thing

McGARRIGLE Down the tubes?

BATES And he was right We did We took over all of them It just happened momentum switched we elected people and It didn t happen overnight but at that time Berkeley had a Republican mayor Wally Johnson was there and was elected And Dellums was there basically switched later the next year but the Republicans were in control of Berkeley The mayor of Oakland was a Republican There were two Democrats on the Oakland City Council at that time School board were all Republicans They controlled the whole thing

The election s over and I remember it was still raining the next day I got up and I remember walking around my neighborhood just to get out I remember being out in the rain and I was tired still because I d been up late got up real early the election day worked until really late at night and we didn t know the results

kept coming in late so we got to bed at four in the morning or something I got up at like seven

So I remember I was walking around and I had this feeling this phenomenal feeling like a lot of it had to do with being tired and being through this thing But I just started crying I just started crying And in the rain I m out in the rain crying I felt like I had been given this special gift with organizing and putting things together and it was like I felt very humbled about the whole thing I don t know again a lot of it had to do with where I was at the time

I later had another incident similar to that but I remember just walking around and then I realized God I don t have a job I don t have any place to go to work Christmas was coming my kids I had two kids I didn t have any money to buy them any presents I didn t have a job

The state senator Nicholas Petris who was a Democrat who was the only Democrat at the state level at that time from this area well that s not true [Assemblywoman] March Fong was there from Castro Valley So I went to him and asked him if he would hire me for a month that Kenny was going to hire me to be his assistant So he hired me for one month It was really nice of him so my kids had I had some money to buy some presents for my kids I mean it just ended Claude Cody made it clear that the end of November that was it He wasn t paying any more I said That s fine I mean the guy had paid me for two years So that was it

Then I worked for Nick for the month of December and then in January Kenny was sworn in I became just because I didn t have anyplace to go his assistant his administrative assistant I felt like we had been this team and we really worked closely He was the candidate and he was a great candidate The

candidate was supposed to raise money call people help raise money to get volunteers and to get votes And that s what he did Kenny was and his job they allowed him to do this to work I don t know if he had a job to go back to but he at least had a trade He was a lawyer he could be a lawyer

But he was great and I did all the rest I ran the whole campaign Now I had obviously all kinds of people doing different jobs and telephones and get out the vote and voter precinct but it was a phenomenal organizing So it was like a partnership so we were together and then I was going to run his district office and he was going to be in Sacramento

He went off to Sacramento and I worked the district office and we had a falling out I ll tell you about that next time

McGARRIGLE Oh next time

BATES Next time!

McGARRIGLE We ll end here for today

[End Tape 4 Side B]

[End of Session]

[Session 3 February 23 2000]

[Begin Tape 6 Side A]

McGARRIGLE Just pick up where we left off which was with your one December [1970] with Nick Petris and then starting to work with Ken Meade in the district office

BATES Yes What had happened of course was that I had been fortunate enough to work on his campaign almost for the entire year plus time before that and was salaried by a fellow by the name of Claude Cody who had this cable company that he d made a lot of money and he was really interested in Democratic politics So he basically paid my salary while I was running Ken s campaign but he d made it pretty clear that after the election was over he wasn t interested in continuing to pay my salary

And I was also supposed to be working with him on real estate development and had not spent any time really doing any real estate development My whole focus was on the campaign So when Kenny won I didn t have a job to go back to and I ended up fortunate enough to have a December bridge job with Senator Petris so I could at least have Christmas for my kids

Then I went to work for Kenny as his assistant and the idea was it was romanticized in my mind was that I would run his office in the district and we would be co partners That even though he was elected it had been that way in the campaign where we really shared everything we were sort of equals Even though he was the member of the legislature

He went off to Sacramento to be the legislator and I remained and opened his office Unfortunately almost from the beginning there was a problem We fought really hard to win the election and I had certain ideals and principles that I thought we were fighting for and that was to go to Sacramento and hopefully remain pure and fight the good fight on behalf of the people and not get caught up in the lobbyists and not get caught up in the whole Sacramento scene which I saw as being corrupting and corruptible Kenny turned out to be corruptible I should say

When he was elected before he even took office he went on two major trips He went to Hawaii and he went to Jamaica He went to Hawaii and his tickets were paid for him and all of his expenses were paid for by I don t know who the lobbyist was He went with the person who later became the speaker whose name was Bob Moretti He became the speaker once the legislature came together and was formed He went with Moretti and a group of his sort of lieutenants to Jamaica I guess having a high life in Jamaica

It was interesting because the California Constitution prohibits legislators from receiving airline tickets from any of the airlines or cannot even accept it from a lobbyist It has to be it s pretty clear it goes back to the reform of the railroads when the railroads were so corrupting in the legislature they used to of course take the trains to Sacramento So it was seen as graft and the constitution prohibited it You can t get a ticket Well Kenny was not in office so he was able to take advantage of this loophole

McGARRIGLE And what about the people who were in office?

BATES They must have paid it some other way They must have paid it through their campaigns or some other way You could use your campaign funds to do that at that time And also this was before disclosure and a lot of the campaign reform

was in place It was really shocking to me that he did that and I was really disappointed Because here I had everything on the line had lost I was physically drained by the campaign had paid a great toll on my body in terms of smoking three packs a day and weighing about 140 pounds and I had no job and had incurred debt that if he would have lost they would have turned to me to pay

When Kenny was running for office his car broke down He didn t have a car so I gave him my car so he could have a car to get around It was just really disappointing to me to see this to go off and have this happen

He went into office and he was a very close lieutenant of Moretti s Moretti made him Bob Moretti became the speaker of the assembly and Kenny was given an assignment which was unheard of for a freshman He was made a head of the Transportation Committee which is a very powerful committee So Moretti it was almost like he was his son in some ways even though there was not the age difference They were very close and Moretti thought he was really a special person

Kenny and I started out with this rift with him going off and then going to Sacramento and getting this really great assignment And I think rightly so he viewed himself as he was really the one in charge and I was really working for him not There was no coequal kind of a relationship He basically focused in Sacramento and didn t really concern himself with the district so I set it up the office and hired people to work for Ken We did the constituent work and things of that nature

Also in my time off the weekends and nights and stuff I ran a campaign for the city council a woman by the name of Betty Ann Bruno who later became very

well recognized in the East Bay because she was a reporter for Channel 2 But I ran her campaign she lost it was a very close election She lost the election

Ken was fine with me doing that it was on my own time as long as it wasn t interfering with the legislative work And then we also in 1971 there was an important election in Berkeley which was the radicals were running a slate and they wanted Ken s support for the slate On the slate was D Army Bailey Ira Simmons Rick Brown and Loni Hancock I convinced Kenny that and others I wasn t the only one this fellow by the name of Jeff Gordon who ran our student campaign in Kenny s election and was very instrumental in Berkeley politics was a student and I think we discussed him before but he looked like Lenin He was this very skinny guy with a beard and very intense and very well organized and very thoughtful about everything he did He thought these radicals could win and it was important for Kenny to support them and so Jeff and I convinced Kenny to support them

He did support them Three out of four won D Army Bailey and Ira Simmons and Loni Hancock won But Kenny there was a rift and people suddenly in Berkeley there was a group of people sizable number of Berkeley residents who didn t like him and really were angry that he did this So he was upset with me that I had put him in that position

Because a lot of legislators in Sacramento in fact the rule of thumb is you don t get involved in local politics because if you endorse in local races you make enemies And what you hate more than anything friends are great but enemies are really bad because they don t forget Friends will remember you until you do something they consider not to be good and then they switch potentially But once

you make an enemy it s really hard to get them to be on your side again So he was very upset that that had occurred

And then I was getting growingly upset with him in the sense that I didn t see him being in touch with what was going on in his district His marriage dissolved and I really cared a lot for his wife But obviously it s two fold It s not like one person is good and the other one is bad But he had all kinds of trouble with his wife and ended up he was living kind of really a very high life in Sacramento

I remember one time I went to see him during the legislative session and we went out to lunch I think at Frank Fat s which is sort of a famous restaurant at that time for lobbyists and legislators to go to lunch We walked in to the restaurant we sat down and Kenny said This is going to be on a fellow by the name of I think Frank Steffis who represented the horse racing industry and somebody else So all the food was taken and put on this other person s tab and everything it was just automatic The drinks were here and this was before of course 1974 when we had reform Jerry Brown rode to become governor from secretary of state he used that as one of his issues this whole campaign reform and disclosure

But it was very shocking for me to go in this place and all these lobbyists were there Probably naivete on my part but and then to say this is on this guy and this is on this guy and they don t talk to us It s just that s the way it is You just put it on their tab So that was also very shocking to me It just seemed like all the things we had fought for and all the principles we were trying to do were unraveling

McGARRIGLE Let me interrupt you just to ask you something I wanted to ask earlier what do you think Bob Moretti saw in Ken Meade? What were the qualities that he saw that he found or

BATES Kenny was very smart He was a lawyer and he was actually an excellent impromptu speaker He could argue practically any issue that came along practically any side and be convincing on that side He was an excellent trial attorney in front of juries he won because he was very believable in his presentation He was a close friend companion friendship kind of I think they also had a lot of fun together in the evenings and dinners they were like He just took him right in as being somebody who was close to him

I think those were the reasons Obviously his intelligence his capacity to speak He was capable of making good decisions so if you d give him information he was probably a very good counsel He just unseated this Don Mulford who had been in office for thirteen and a half years and was the minority leader so it was a big upset It wasn t even close the election And Moretti had given him money I think Moretti actually ended up giving something like I believe $20 000 which was a lot of money $20 000 in 1970 He was well invested in him

McGARRIGLE To Meade s campaign?

BATES To Meade s campaign And then Moretti became [Laughter] Yes I should make that clear it wasn t to him personally Kenny also supported him for speaker so Moretti became the speaker so it was a joyous occasion for them

It was a time when there was much more of a clubby inside game than it later [was] Campaign reform obviously I m very solidly in support of campaign reform and disclosure I would like to see major changes in terms of contributions not only contribution limits but expenditure limits and the whole range of issues that I ve been involved with over the years about trying to reform elections and the way people hold office But having said that it s also true that there were some advantages for the other system The other system where you didn t have to

disclose and where people were much closer relationships were much closer they had more socializing together So they weren t seen as the enemy so much as they would have a good time together They would go out and have dinner and they would go places and do things together Not just the Democrats but the Democrats and the Republicans There was a mixing So it wasn t like so much them and us It wasn t so adversarial They were friends

A very distinguished legislator from this area Bob Crown Robert Crown from Alameda who served with Moretti and with Unruh and was the head of the Ways and Means Committee probably the most powerful if not the most powerful committee in the Assembly once told me when I was elected to the board of supervisors You should remember there s no substitute for friendship That can bridge a lot of gaps and people will help you on the basis of that friendship not necessarily on the issue

So they had a lot of camaraderie It was like a big fraternity There were hardly any women I think there was one woman in the eighty members when Kenny was elected So they were all back slapping running around having a good time laughing talking playing poker at nights going out to dinner just basically having a good time

The votes weren t recorded either in committee so you d come to a committee the committee chairman would say This is what happened That would be it and nobody particularly questioned that So it was very wide open very loose but they had a lot of fun and they actually knew each other and there wasn t the bitterness and a lot of the finger pointing

But in any case he was in that climate and I was really shocked to see this So a lot of it was my naivete and seeing this and also a lot of it was probably not as

bad as I ve made it to be in terms of my mind but it was really very shocking to me and continued to be shocking to me So I knew I had to get out of there I just couldn t believe it that I d spent all this time and energy to elect somebody and then this person who was one of my best friends if not my best friend at the time turned out to be somebody who had betrayed all the things that we were fighting for in my mind Now in his mind he might have been saying Well I m going along going to these various things helps me build relationships If I hadn t gone to Jamaica and if I hadn t gone to Hawaii Moretti and I wouldn t have been close friends and I would have never been appointed to the committee of the chairman of the Transportation Committee in my first term

Now that probably was the case that he built the friendship that was able to get this appointment He never would have gotten it had it not been for that

And you should also remember that the legislature does not have a history of seniority Seniority doesn t really matter The speaker has incredible power to appoint people to committees to remove people from committees arbitrarily replace somebody if they want to move a bill out and somebody s against it they can remove that person for a day and put somebody their own friend on there to pass the bill I m sure we ll talk about this later

So in any case Kenny and I were at a place where I knew I just had to leave This was untenable to remain in this position I was looking around and a friend of mine who had worked in Kenny s campaign a fellow by the name of Rolfe Thompson was interested in the [U S Senator George] McGovern campaign [for president] He was working with John Burton who at that time was an assemblyman from San Francisco He was very interested in McGovern and he became one of McGovern s co chairs I think it was I know for a fact it was John

Burton and [Assemblyman] Willie Brown and I believe there was a third but I m not positive There may have just been two

McGovern wasn t even on the radar screen It was like maybe 1 percent or 2 percent When my friend Rolfe said Well we re interested in doing this organizing on campuses students activity around the state and we d like you to work on the campaign Because that s where we think if we re going to make any movement at all that s where we should be So why don t you come and be our person in the campaign and help set up this campaign for McGovern?

So I did I went to work for McGovern I left Ken and went to work for McGovern It was a small amount of money Actually I started I believe in December of 71 so I started working for him and then in January we set up the office and started reaching out I worked with a young guy whose name was John Gage John and I were doing John was traveling and doing a lot of work and had a lot of contacts and had been working for a long time for McGovern John Gage became one of the principals of Sun Microsystems he became one of the founders and he s done very well But he was great He could set up sound systems and he could work things and he was really smart

We just basically John and I were a great combination I have to say most of it was John But we got campus organizations going everywhere for McGovern in California We had all these students and it was going really well

And then I was also contacted to do some other campaigns and then I was really afraid to do campaigns because I was just frightened that the same thing would continue to happen I would be disappointed I would you have to win to get the better clients to get more pay So winning is a necessity to be successful There are probably some exceptions And then you have to choose the candidates

so I was really leery like how would I know who was going to turn out to be good and who was when my best friend turned out to be bad?

So I was very apprehensive about going into the campaign management business I was approached by a number of people There was an inquiry by Dianne Feinstein if I was interested in helping her run for mayor I didn t bother to even respond Other people were interested because I had run Kenny s successful campaign and had run Betty Ann Bruno s who nobody knew and just barely lost At that time in Oakland you didn t have district elections You had to run in the entire city So she won her district You had to live in a district but you were elected at large every voter who voted So she won overwhelmingly in her district but lost barely on the election

Some people approached me and said Why don t you consider running for the board of supervisors? There s this fellow Emanuel [P] Razeto He s been on the board of supervisors for a number of years We think he s vulnerable because he really hasn t paid attention and the labor unions were very upset with him The local employees who worked for the county were very upset with him So I thought Well that s an interesting idea I never ever thought about being a candidate until that time I never really saw myself as being a candidate But I thought Well maybe I ll try

I also was very encouraged by Dick Groulx and his wife Pat Groulx who I got to know in Kenny s campaign in 68 when he lost and 70 when he won In 1970 they went for Kenny they really went to the wall They opened a campaign boiler room where they made phone calls They had people every night making phone banking out of that place and they did all the mailings for us put all the labels on all the mailings and sealed all the mailings except for that one big screw up we

had where the mail came and didn t match They did all of our mail for us It was an incredible contribution They walked precincts They really wanted to beat Mulford And they really liked me and I really liked them They always were concerned about me because I had shorter hair and was a realtor [Laughter] But after a while we had a very good friendship so they were very encouraging for me to run

McGARRIGLE And do you recall who it was initially who came to you and proposed the idea to you?

BATES I think it was a friend of mine by the name of Al Knudson He was working with the county and said Why don t you consider doing this? I thought Well that s an interesting idea I talked to my friend Dick Groulx and he said We want you to run We really enthusiastically want you to run against Razeto I thought Well I ll do it

Dick Groulx organized the labor people called them all together and they endorsed me immediately They didn t interview anybody It was like the whole labor movement endorsed me right out [without] checking with anybody to see if anybody else was even running

McGARRIGLE That was the kind of influence that he wielded?

BATES Where he just told everybody This is the guy I mean I think Dick Groulx he ended up unfortunately having a relatively short life He and I were very close friends and he was a very strong supporter He wanted me to run for anything he would have supported me for He was a really wonderful guy Now he had his detractors He was a very tough union guy He went to jail I d say gosh Dick must have been arrested on picket lines probably seven or eight times and went to jail He was really a militant He believed in workers rights

Alameda County at that time had I would say the best labor movement in terms of militancy number of people organized in terms of participation in political campaigns and contributions of any place in the state It was like a hotbed The only place that would come close to equaling it would be San Francisco and it was a question whether and Dick Groulx ran the Central Labor Council he was a very strong force If you got strike sanctions teamsters would honor the picket lines so you couldn t get things delivered I mean it was a very strong Central Labor Council

He did a thing I ll tell you now in the course of the campaign I didn t have any money But they were going to support me So Dick did something that was typical very questionable the ethics of this As a Central Labor Council and a nonprofit he was entitled to reduced amount to spend on his postage My memory doesn t serve me totally correctly but it cost something like 3 8 cents a stamp or 3 2 cents I think was accurate to mail out a bulk mailing But he could send it at 1 8 cents It was almost it was at least half We worked it out in a way that we gave him what we wanted and they prepared it so it said by the Central Labor Council and then he mailed it all out So I was able to do all kinds of mailings that nobody else could afford to do because he had this label So they were solidly behind me to run for office

Now his lawyers we kept waiting for them to his lawyers who were advised we were going to do this would say Well we ll defend you kind of thing So he did it and I think he did about seven mailings for me because it was so cheap to do this so we could actually afford to do these mailings which I never could have afforded They put the labels on them and they helped do all this other stuff They

had a printing press so they could print this I mean they were big supporters of mine

McGARRIGLE So did it ever come to anybody s attention? Was it ever raised as an issue?

BATES You know it never got raised as an issue I kept waiting for that to get raised as an issue and it never got raised as an issue His lawyers said You absolutely cannot do this again so he never did it again

McGARRIGLE He just decided that it had worked for so long and he wasn t going to test the waters?

BATES Yes something was going to happen Well he figured the worst would be that they d owe the money but who would owe it? I don t know it could have been very sticky but we were very lucky that that never really happened

Then the other lucky thing for me was that I was with McGovern and because of the work that I had done with the local people I knew all the McGovern campaign people I hadn t met McGovern I wasn t like an insider or anything But I knew all the campaign people and Burton was my friend Rolfe Thompson who had suggested I go to work for Burton was helping asked Burton if he could come work with me take time off and work for me in my election so Burton allowed him to do that

So when McGovern mobilized and it was like a mobilization it was after Dellums and Meade had this huge mobilization in 1970 in 1972 these people were still active were still antiwar they had volunteers coming out of the walls There were thousands and thousands of people like political activism had never seen before Dick Groulx got McGovern to come to a Central Labor Council picnic and there were over 12 000 people at the picnic to see McGovern It was pretty

McGARRIGLE Where was that?

BATES It was in Pleasanton so you had to go all the way out to Pleasanton to the fairgrounds to get to this It was amazing it was just packed with people We took my material that we had printed and we inserted it in all the McGovern pieces Any time anybody walked a precinct for McGovern they had Tom Bates material that was inserted in it I personally went to the McGovern office and put my material in all the campaign work and my other campaign help So when they sent all these thousands of people they all took my material

McGARRIGLE Was that unusual that that kind of coordination would happen?

BATES Well usually with a presidential campaign it s not that what actually normally happens is that a precinct walker will come and say I m interested in Tom Bates and I want to carry his material as well as McGovern s and people say Sure But usually the presidential campaigns are not interested in the local issues because that conceivably divides People say Yeah I m for McGovern but I hate this other guy so maybe McGovern s not so smart And then you have people who are for the opponents of the Tom Bateses of the world so they get angry So they usually don t do it It probably wouldn t have happened so effectively if I hadn t been personally down there but what else was I going to do? Tom Bates is not going to be able to mobilize any great precinct get out the vote operation

So that happened plus the fact that I walked precincts from any time of the day well when it was feasible which was roughly about five o clock in the evening to nine every day and then every weekend My district started out it was a funny district It was like an axe It didn t include Berkeley It went down included the line of Oakland and then included north Oakland below the Warren Freeway and then did not include Piedmont and then went out from the Warren Freeway being the boundary to the north and Bancroft Avenue to the south so it was like a

handle It was like this long handle that went out all the way to San Leandro and then came back and then came down about Fruitvale So it was Fruitvale to the border I had everything except Piedmont and that whole cluster and then a big strip all the way out to San Leandro

I walked almost the entire district every day I used to knock on the doors and say I m Tom Bates I m running for the board of supervisors and I had a program that I was doing

McGARRIGLE Were you the city of Alameda also?

BATES No

[End Tape 6 Side A]

[Begin Tape 6 Side B]

BATES precincts And then the other thing that I did every day when I was getting my campaign ready to run this same fellow Al Knudson who was one of the people talking to me about running suggested that I might want to interview this woman Dion Aroner who was a social worker but really was president of the social workers union She was unhappy working for the county and maybe she would want to come and work with me

So I hired Dion to be my first employee I hired her for a number of reasons I mean obviously she was very close to labor so the social workers union was very actively involved in my campaign and Dion knew all these people This is prior to them really getting active I hired her before they were active so she really activated them She knew them she was close with Groulx she knew all these people She was smart and had good politics and she could run a mimeograph machine [Laughter] She always used to joke and say that s why I hired her

because she could run the mimeograph machine That s how technology was that we were running off these fliers

And then I knew a lot of other people from my involvement in politics There was a guy whose name was Kermit Scott who was a campaign manager for Ron Dellums When Ron Dellums unseated Jeffrey Cohelan in the Democratic primary Scott had been campaign manager and he and I were close friends So he was a close advisor to me African American guy and he was very helpful in my campaign Ideas and various campaign techniques and stuff Kermit had the idea that people always wanted to vote for the winner so he wanted to be the winner So he would make up like polls phony polls Bates Leads By And then he would run around to bars and beauty shops and leave these phony polls that he had done saying that I was winning and all this and the idea that people would be for me

So I had this idea of Dion and then I hired another person who became a longtime employee his name was Ira Kalinski He was a young guy who had come to us from New York via Chicago He had long red hair and he had it in a ponytail He looked like this hippie guy but he was very smart good with numbers

So that was the campaign It was myself Dion and Ira The three of us and Kermit was advising Then I had a group of people that were advising me helping me in terms of tactics and

McGARRIGLE And how were they funded your staff people at that point?

BATES At that point I was fundraising to cover them and me And then also as I mentioned Rolfe Thompson joined us so there were four of us There was Rolfe and Dion and Ira and myself Then Kermit and some other people worked I formed an advisory committee

So my campaign looked like when it started out I had the support of labor and Razeto decided that he didn t want to run for reelection So he dropped out Now it s an open deal At that point a fellow who had beaten Betty Ann Bruno his name was Felix Calze he was a longtime city council member from North Oakland who we had run unsuccessfully Betty Ann Bruno to unseat he decided he wanted to run for the supervisor seat Another person whose name was Raymond Eng who was a longtime city council member Chinese American who d been on the city council in Oakland for gosh at least eight years by then and stayed quite a while longer And then the president of the school board Ann Bancroft? Yes That s not right the last name I m sorry So she ran

The *Oakland Tribune* was very powerful and they had a fellow that they liked whose name was Jim Zeno who they supported And then a fellow an African American who was on the Democratic Central Committee whose name was James Sharp James basically he would run for he would put James Sharp for the Central Committee and he had the signs and he ran put these signs up and every two years he would put them back up again So he had some name ID from these signs

Then another Hispanic guy ran and another minor candidate ran So there were eight of us in the race It was a very broad field I m out walking but I did have a mail program that nobody else really had I d never held office before I had a strong mail program that the Central Labor Council had done plus I walked precincts Later I would meet people twenty years later fifteen years later they d say they remembered when I came to their door People had not done that before I also had a very strong lawn sign campaign followed up my walking with lawn signs And when I would meet people I would have a very I don t know I just

was very fortunate that people liked what I had to say and whatever And I had this huge campaign that was put together with the mail and McGovern walkers and myself walking

So when the election was held I got 42 percent of the vote against the field and I needed 50 1 to win Everybody else fractured and the guy Jim Sharp the African American he evidently received the African American support or something he had like 18 percent of the vote Somewhere in that range He finished second He was not considered to be a strong candidate so I had more support practically in the black community than he did In fact I did

Then the general election was of course in November This was in June In November I campaigned the same way we walked precincts Didn t really take it for granted because I didn t have any other job I mean it was like this is it So I said I would become a full time supervisor and was interested in reform I had a whole series of reform ideas that I was interested in doing I won with like 82 percent of the vote or something unusual or unheard of so I was elected to the board at that point

There were of course five members of the board of supervisors

McGARRIGLE But was it your instinct that walking precincts and knowing people was key? Was it something that you enjoyed doing at the same time?

BATES Yes I did enjoy doing it but it was hard I kept feeling like I should be listing houses or something or doing something on the side selling encyclopedias or something door to door [Laughter] I was a door to door salesman that s what I was selling myself door to door Yes I enjoyed it but it was really hard work Really every day I d take my kids out with me and they wanted to play catch and all this other But I was good at it I like people I have a lot of fun I try to make it

fun I also would get acquaintances to sometimes come with me friends who could walk with me

So we tried to make it a big deal I used to say when I had a button on my campaign button that I was campaigning I d shake hands and kiss babies and do all the things that a candidate I used to raise a lot of money too just walking precincts Meet people and talk to them and say Could you consider making a contribution to my campaign? And then I would say something to the effect of One of the most important things would be if you would allow me to put one of my signs on your lawn so people know who I am That shows that you re for me and all this They d say yes and then I d say Well is it asking too much to would you mind if I gave you a bumper sticker to put on your car? Here let me put it on for you

See I had the signs there too we pounded them right there they d go up

McGARRIGLE Was that a switch for you from being rather shy growing up to being you know comfortable in that situation?

BATES Yes it wasn t I felt comfortable doing that It wasn t so hard

I don t know if I told you this but when I was in grammar school my mother always said my problem she always got these report cards that said Tom couldn t keep his hands to himself and talked too much [Laughter]

McGARRIGLE OK that was my

BATES I don t know about the shy part

McGARRIGLE Yes that was my projection

BATES Your projection No but I was more comfortable being the you were right the person in the background the person who was making things happen but not the speaker the person Because I never really considered myself to be a great orator

and I never felt like that was comfortable I was happy to use the office to make things happen I wasn t like a Dellums or somebody who was really an educator in terms of the issues and bringing people along I always worked on issues and causes that I wanted action to happen about I could do that successfully But in terms of abstract ideas and things that wasn t my strength

McGARRIGLE So tell me about election day as the results came in

BATES OK Let me just see if there s anything oh I want to tell you one other thing about the campaign because this is fun

When I m in McGovern s office one day and I know I m running for board of supervisors I know that it s going to be Razeto s not I worked for McGovern for December January February In March I started walking and I walked from then until November really

But I m in the office and this guy walks in his name is Steve Minemora and he says he wants to make a movie about McGovern So I say Well sure but that s pretty hard since he s back in New Hampshire He s not going to be around But I m a candidate for local office So if you re interested I m going to do this

I have to back up just a second because what happens is relevant to this What happens is I ran Betty Ann Bruno s campaign for the city council against Calze who later of course ran against me for the supervisor seat So she had a debt of $4 000 which was a pretty high amount She didn t have any money her husband didn t have a great job or he was a lawyer but they didn t have a lot of income I felt really bad about this debt so I wrote a letter to people and we raised $2 000 of the $4 000 but she had $2 000 in debt

One day I m in Kenny s office and I get a call from a guy Ward Wardman I forget his last name Anyway he worked with Nelson Rising and they were

working on a movie being made called *The Candidate* with Robert Redford and Peter Boyle They needed somebody to do advance work for the movie Ward Wardman this guy s name was

McGARRIGLE Wardman

BATES Yes Wardman He said We d like you to do these crowds for the scenes We re going to have these scenes where he s going to be talking to audiences and we need audiences We need somebody to do a ticker tape parade I said I ll do this for you This was at a time at the end Well actually I m sorry I wasn t with Kenny this is also when I m with McGovern So I said I ll do that it s no problem But I need to get you re going to pay me right? They said Sure I said I want you to pay Betty Ann Bruno s campaign debt $2 000 and then I want you to give me $2 000 This would kick off my campaign for the supervisor seat

So I did recruit all the people It s the Paramount Theater in Oakland and it was the easiest thing Robert Redford was a big hero everybody knew who he was and they d seen his movies We went to the Cal campus and we said Robert Redford s going to be at the Paramount Theater in Oakland and you can get five dollars if you go to be an extra So we had so many extras we were turning people away It was really easy

And then the ticker tape parade what we did was he went down Montgomery Street on New Year s Day On New Year s Eve day people throw their calendars out the window They threw their calendars out the window and Robert Redford went down the street so I went around to every office the day before New Year s and said that Robert Redford was going to be there could they wait until exactly noon and then throw their calendars out? Which was a tradition So they did they threw all their calendars

I think it made in the movie maybe two seconds [Laughter] It wasn t very long But they had the crowds

So I had $2 000 of my own which I had raised it I had savings which I used to run for office So in comes this guy the movie so I ve been hanging around this movie That s one of the things that happens when you make movies there s a lot of waiting and standing around But I was interested in the movie so I was there for like three weeks or something working on the movie

Anyway this guy sitting with me so I said I had this idea that I would make a movie because nobody knew me and there were all these other candidates I was looking for what would be my shtick what would differentiate me I would be known as the candidate with the movie So they would have coffee klatches they would show the movie then I would show up then I would talk and that would be sort of like something special

This guy Steve Minemora and I made a movie I ended up putting money and some other friends of mine It was so cheap it cost like $4 000 We made a movie called *You ve Got to Set Me Free* The movie when we finished it it took a lot longer than we thought So the campaign was almost over it was not a possibility to do what I had imagined in terms of having this movie

When he got all through with the movie we saw it and it was so bad [Laughter] It was so bad

McGARRIGLE Who wrote the screenplay to this movie?

BATES He did He did the camera he did everything

McGARRIGLE And you acted in it?

BATES I was walking around It was supposed to be a candidate well that was the problem It didn t go anyplace didn t have any message I was supposed to be a

person running for office in various locations We had these poor people and middle class and then in Piedmont we were walking around with the rich people And I was doing interviews with people

So we made this movie *You've Got to Set Me Free* and it's been sitting my wife has seen it all my close friends have seen it I mean not all of my close friends [Laughter] But unlike good wine it doesn't get better over time [Laughter] I actually gave a copy to the historical society so it's history Boy The only thing good in it is the singing Some of the singing is not too bad

McGARRIGLE And do you sing in it?

BATES No I don't sing in it but other people sing in it I made this movie crazy ego see? Strong ego

The election was great I won overwhelmingly I had a swearing in which is typical and a friend of mine judge friend of mine swore me in Myron Martin I remember at the time I got sworn in what I said which never really got reported in the press which was lucky I said now remember I was in the army and all this other stuff so I said I feel like I've been parachuted behind enemy lines and I'll do the best I can from here [Laughter] That was my statement Which is what I really felt like I felt like I had not been part of the government I had not been part of this I just felt like I had been plumped in there

McGARRIGLE And the enemy was represented by

BATES The government

McGARRIGLE The bureaucracy

BATES The colleagues the bureaucracy everything

McGARRIGLE It wasn't all on party lines you felt that

BATES No I felt about the government and activity and the bureaucracy failing to move

Then I had a fundraiser right away I said Right gotta have a fundraiser immediately before I vote on anything because as soon as I start voting people are going to be dropping off I also believed in Unruh s theory that you have to be able to take the money and vote against them He had more colorful words right? If you can t take their money and screw their women and vote against them you don t belong here I thought I needed to so I had this fundraiser at the Holiday Inn in Emeryville the top floor that was built then It was new it was relatively new People came because I had a debt and I wanted to pay off the debt I realized the people who were there at the fundraiser I had prepared a speech and I realized when I got there that these were all the people that I was against all in the room I mean it was the developers and all these people slick people from various causes and stuff None of my friends from the labor movement were particularly there and none of my friends from the environmental community were there These were just the people there who needed the supervisors to trade on to help sort of inside ballplayers

It was so hard to give this speech because also the way it was arranged the podium there was a big break between the podium it was like a moat or something between the podium maybe this was just my imagination and the people Not only did I have this gulf in my mind about how far away but they were actually huge So I said almost nothing I just said Thanks for coming That was it I realized Whoa This was really one of those false pretenses that I d done this

Then I went to the first day in office I was in office the first day and this guy came in to see me from the Teamsters He was one of the officials of the local and he was a supporter of mine but he always seemed to me to be sort of sleazy So he

comes in the very first day and he pulls out this map of this property he owns and he says he wants me to vote to zone this property for him

I said No I m not going to do that Sorry I m not interested in doing that He was livid They had done all this stuff to help me and I wasn t willing to do this for him So he left

And then another amazing thing happened to me This other guy came to see me he also worked in my campaign and he said he was also a Teamster I don t know why these guys were Teamsters They were some of my strongest supporters particularly later Chuck Mack who became head of the local was a very close friend and very strong ally Anyway this other guy comes in he was sort of sleazy He told me he wanted me to arrange to get a special tag for him a disabled license plate for him so he could park in a disabled spot

Now I don t know whether these were just people testing me or what they were doing I told him to get out of my office But it was a huge eye opener for me

McGARRIGLE And you had campaigned one of your goals was to transform the supervisor position from part time to full time

BATES Right

McGARRIGLE Had that happened yet?

BATES Yes As soon as I was elected I mean the job paid like $28 000 or something That was enough that was more money than I d made for a long time

McGARRIGLE And it was full time for the first time it was full time?

BATES It was full time for me yes

McGARRIGLE Everybody else was?

BATES As far as I could tell nobody else in the history of the county was ever full time Now there might have been somebody retired who was doing it full time but there

was nobody Everybody else had jobs that we knew of and we d looked back and we didn t see anybody

McGARRIGLE Did they get different salary from you then?

BATES No we all got the same salary And I hired Dion Aroner as my secretary because I didn t have any other positions She was my secretary So it was Dion and I and then Ira We had raised some money from the campaign event that we had the fundraiser and we had some money for him And then later I proposed in the county that they establish assistants for the supervisors so they could do more work field work So the three of us were in this little office and at that time we were sharing everything practically We had a tiny office and Dion here was this college educated woman head of the union running my campaign is now my secretary Well we didn t have any other position so we didn t have a chance to do anything else So we set it up that way

Being a full time supervisor people weren t used to that Then I learned I was pretty good even then about understanding the power situations and what was clear was that there were five members of the board There were two Republicans a guy by the name of Joe Bort who represented Berkeley and Piedmont and the Oakland hills and a guy by the name of Bob Hanon who had run against Senator Petris for the state senate and lost and had lost because in the campaign well he lost for a number of reasons but in the campaign the fact that he had received a drunk driving [citation] was brought out or was arrested and charged with drunk driving and went to the station and basically got them to squish the whole arrest and ended up being arrested again so he had two drunk driving things So he had a real alcohol substance problem and it would all come out in this other election So

he was very vulnerable and very disengaged He wasn t interested in everything he was against everything

And then we had a supervisor from Alameda and Oakland the other part of Oakland that I didn t represent by the name of Fred Cooper who was a conservative Democrat but pretty good on social issues And myself And then a person by the name of Don Murphy who was the supervisor representing the Livermore Valley and Fremont What happened with Murphy was that he evidently the Livermore Valley was promised a university a CSU Pat Brown [Governor Edmund G Brown Sr] decided not to put it there so all these people were really angry at Pat Brown and there was a vacancy on the board of supervisors and the board couldn t decide who to fill the vacancy so the governor got to appoint He appointed Murphy as somebody who was coming out of the real estate good old boy network to appease his enemies and to appoint someone from the Livermore Valley That s what people say I don t know if that s true But it could have been

Well later I had big fights with him and I ll tell you about that

When I got on the board there were basically two Democrats and Murphy he didn t care about social issues or anything He was a Democrat in name only and he was really a real estate developer And maybe it s appropriate now it came later in the campaign during the election but when I In 1976 he was opposed by a woman by the name of Valerie Raymond who I ran against him So I m going to stop there and come back to that

When I first went on the board they didn t care for me because I was running as an outsider But I knew that the county administrator a guy by the name of Loren Enock basically had all the power These other guys worked and they were

very interested Bort particularly and Cooper paid a lot of attention to what was going on in the county But it was clear that the county administrator when he recommended something that these guys particularly the Republicans believed that you voted with the people you hire You set the policy they administer it So if they make recommendations unless it s really you can t go along with it you generally go along So I worked really closely through the county administrator

Then a lucky thing happened When I got elected the board of supervisors had received all this money from the federal government in the form of revenue sharing This was a plan it was basically [President Richard] Nixon s idea but I think it was after he had resigned [President Gerald] Ford basically put it through which meant that the federal government gave large chunks of money directly to the counties The counties could do with it whatever they wanted to do The County of Alameda had two chunks two years of a four year program of money that was on hand from revenue sharing and everybody anticipated that it would continue into the future It did stay for a while but eventually it dried up

So when I got there we had all this money that was unexpended I was real interested in it I had spent a lot of time in my campaign working with nonprofit organizations and that whole movement so suddenly it was like everybody had an opportunity to start programs and to fund ideas I worked really closely with the community groups and Ira and Dion We helped all of the health clinics that exist in Alameda County and helped start others The Free Clinic in Berkeley received substantial funds The women s center the rape center the Center for Independent Living got a big chunk of money from us We got mental health programs off the ground We had drug rehab programs off the ground

It ended up that Alameda County spent a higher percentage of their revenue sharing the highest percentage of their revenue sharing of any county in the nation on community based programs They all sort of popped up and what happened again stroke of luck was that Cooper and I were working together I was working more with what would be considered more fringe groups like the Center for Independent Living Another one was the Pacific Center which is a gay and lesbian center We funded that program So I was working with more nontraditional providers of service and things Child care centers and all that

We put together this huge list of programs of which a high percentage of them were in Berkeley They weren t in my district and they weren t in Cooper s district They were in Bort s district Joe Bort this Republican liberal Republican We could have talked with Bort about it There wasn t a Brown Act [1][a majority of members can t make a decision in private] we could have consulted with him

[End Tape 6 Side B]

[Begin Tape 5 Side A]

BATES So Cooper and I went forward to the board of supervisors and we moved to have all of these programs funded one by one down the list and we agreed we d do the whole list Because he had ones he wanted and I had ones I wanted but a lot of them were in Bort s district So Bort had very little choice I mean how is he going to vote against a project that s in his district even though he doesn t support it wouldn t recommend it himself but how s he going to vote against giving money to his constituents?

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1 A B 339 1953 Reg Sess Cal Stat ch 1588 (1953) (Required all meetings of the legislative body of a local agency to be open and public with certain exceptions)

So he voted for all this stuff We ended up putting together three votes and then Murphy helped us a little bit on ours that Bort wouldn t vote for So we ended up with this great package of community based programs and they still exist today It s really one of the things we re proud of is the fact that we did start all these programs and they re still going

And Alameda County started a true alternative health system that still exists and now it works very closely with the county and is part of the whole county system in a way I mean they still remain they re independent And our idea was we wanted to have not only county services but we wanted to have competitive activities with the non profits So it wouldn t be just the bureaucracy providing services you d have some competition

McGARRIGLE And in terms of alternative health programs along what lines are those?

BATES Well those are primarily alternative to the extent that they re still sort of mainstream I mean they were clinics and things of that nature children s clinics

McGARRIGLE Alternative providers

BATES Providers yes Not we probably would have funded them if we could have if they would have been around at that time but the holistic there was no holistic or acupuncture or anything of that nature But we funded Asian mental health clinics and we funded Asian health centers and it was really phenomenal They still exist today They ve been able to maintain themselves over the years I think in some of the documents I ve actually given you that record that I did shows all the ones that are still around It s a pretty amazing group of people

McGARRIGLE And was that a unique opportunity? I mean not just in terms of the money coming but in terms of the interest in the community to make that happen? There must have been a convergence of things that happened along with the federal funding

BATES Yes It was the funding the convergence and the people actually with the ingenuity and creativity to put it together and to maintain themselves over all these years Berkeley Youth Alternative I mean these programs have been phenomenal Some of them were already in operation but we certainly gave them a big infusion of cash Some of them dropped off We had a lot of trouble with drug programs primarily dealing with heroin It was just difficult to maintain those over the years

McGARRIGLE And did you continue to receive federal funding then?

BATES The county continued to get it I believe for four years and then after that they got picked up by the county Those things were so successful

McGARRIGLE So now they re county maintained

BATES Yes Well some of them are still federally funded and depend on reimbursements from the state and federal governments like health care providers get reimbursed Some of the mental health people still get state funding But yes they have been able to figure out ways of maintaining it The county of course has fallen on really hard times particularly in the eighties when the economy was so bad in California but all these programs have managed to survive either getting private funding doing other kinds of things So we were able to give them a hand It was a combination of the money and the creativity and ingenuity of people in the community to start these programs to see the opportunity to fund their existing programs and just the whole range of ideas that came forward Rape crisis centers I mean it seems kind of like today it s not much but we had free clinics and rape crisis centers and women s centers and lesbian and gay programs centers for independent living I mean this was unheard of in the rest of the country Just the people who live here saw those needs and wanted to fill them and had program ideas and put staff together

And then the last thing was this triangle with Bort If Bort would have not represented Berkeley it wouldn t have happened because we would have never gotten a third vote Because Murphy would have never voted for these things because he didn t care for these at all I mean voting for a gay center to be able to do counseling and stuff? Disabled? I mean it was like off the radar He didn t have any idea about this

And then what happened is the board of supervisors hadn t been reapportioned for a number of years and the law said every ten years you have to do a census and you have to reapportion So we reapportioned ourselves during the time I was there so I was fortunate to be involved with drawing the lines but Joe Bort saw the handwriting on the wall He wanted the heck out of Berkeley in the worst way possible So he ended up drawing a district for himself that did not include Berkeley that included he moved physically from Berkeley to the Oakland hills [His new district] included the Oakland hills Piedmont and the hilly part of San Leandro to protect himself politically

And then I I lived right around Lake Merritt represented Berkeley which is where I should have been but I was never elected in Berkeley I represented Berkeley and North Oakland and then it came around my house and then they drew the lines so I didn t have to move They drew the lines to cover my house

Then at that point when we actually drew the lines it was late in my four year term there I was planning to run for the assembly We knew that I was going to leave that I was leaving for the assembly at that point So John George who was a person who was a lawyer and who had run for Congress before Dellums Robert Scheer challenged Jeffrey Cohelan in 66 and lost and then 68 John George ran against Cohelan and lost and Dellums ran in 70 and won John George was

somebody who I thought might be interested in running for the board of supervisors he had supported me for the board of supervisors He was a good friend But he lived in the next two precincts over from my house so when the lines got drawn we argued to get John s house into the district So it goes out and back It was referred to as the thumb It s like you took a hand and made a fist with your thumb sticking out to get to John s house

So we did the reapportionment and then I got Berkeley which was a natural thing

McGARRIGLE Is that normally how that happens that process? That the supervisors themselves draw the redistribution?

BATES That s the way it works yes Takes three votes to draw the lines and that s the way it works Now if somebody were say gerrymandering for racial reasons they could sue and maybe overturn lines like that But this was I ended up being all of Berkeley and the North Oakland and this area around Lake Merritt Didn t include Piedmont that s why that s sort of funny the thumb And Bort had the hills which was pretty much Republican what was left of the Republican and more conservative Democrats And he was able to sustain himself in office for another couple of terms And then Cooper had pretty much what he had before and Murphy had what he had

And Bob Hanon so I m in office Bob Hanon is the one who represents Castro Valley and Hayward and Union City places like that and had run against Petris and had this drinking problem and tried to get the county deputy sheriffs to erase his records to expunge the record He was up for office two years after I was on so I was elected in 72 and Hanon was up in 74

We decided we needed to unseat Hanon This is also very uncommon It happens but it was unusual to have a sitting member run somebody against another sitting member Usually there s the good old boy you sort of go along with each other But I was a militant and wanted to get rid of this guy

We knew he was really vulnerable because all this stuff had come to light So we tried to find somebody to run against him We couldn t find anybody to run against him except this one guy Charlie Santana who was a bail bondsman from Hayward He was on the city council and we just thought he was really not much

So this guy we knew he worked for March Fong his name was Bob O Sullivan said he would run He lived in Oakland I said Bob I m happy to support you because we didn t have anybody else but you ve got to move down to Hayward and establish residency there He said I ll do it I said Great

So I said You all set? He said Yes got a place registered blah blah We ran his campaign myself and Ira and some other people and we raised money and we got supporters that we knew through these community based programs that were in Hayward and that area A guy by the name of Mike Reilley who ran Eden House who later became a county supervisor in Sonoma County ran his campaign He was a great organizer

O Sullivan finishes first and then I m sorry O Sullivan finished second but Hanon was first but he didn t get 50 percent of the vote It wasn t even close he got like 35 percent O Sullivan gets I don t know 28 percent and Santana gets like 20 or something I don t know if that adds up But anyway it was a runoff between Hanon and O Sullivan When you added O Sullivan s votes with Santana s votes it was over for Hanon

And Santana had no great love for me because I was supporting O Sullivan [Laughter] Charlie Santana sues O Sullivan saying he was not a registered voter in the district He goes to court and O Sullivan loses O Sullivan never actually established residency In court when he was asked in the trial before the judge he was asked for his residency he said he had a sleeping bag and he slept on somebody s couch twice We were ready to strangle this guy So he lost he got kicked off the ballot Santana came in the runoff and beat Hanon

McGARRIGLE And it never would have happened if he hadn t challenged O Sullivan in court

BATES Yes that s right

McGARRIGLE And did O Sullivan ever have an explanation to you why he thought why he didn t follow through on that?

BATES He did register there but under cross examination he said he slept in a sleeping bag twice He didn t change his driver s license he didn t change his mail he didn t change his PG&E bill he didn t do anything to show he was actually living there He had a place in Oakland where he stayed with his wife He s now a teacher O Sullivan s now a teacher in the Oakland school system high school teacher He teaches government or something But it was pretty devastating for us I mean the papers then predicted This is the end of this Bates he s overreaching and so on

Then what happened was not to be deterred I was involved in this awful strike There was a long sixty five day strike when the county workers went out on strike for more pay and I was supporting them because they d been held back for so long So there was a lot of real hostility between myself and the board around the strike I was more sympathetic with the strikers than the county

Then the last thing that happened was I ran a candidate against Murphy So one day we were having this hearing about trying to place a courthouse down in

Pleasanton and it was on the top of this mountain I thought This is weird why on top of this mountain? Murphy said it would be a majestic view which it would have been but parking was a problem and it was just people were opposed to it So I thought This is strange Why was Murphy so interested in this property? We started looking around and it turned out he owned this property all around this site

I went to the grand jury to investigate Murphy about his holdings It was big front page stories out in Pleasanton and this woman Valerie Raymond unseated Murphy and became the first woman to be elected to the board of supervisors And we ran her campaign

I was leaving so I never served with her but he was unseated Again this was seen as hitting below the belt running somebody against Bob Hanon and then going to the grand jury about a member of the board of supervisors I mean I didn t know what else to do in terms of the grand jury

McGARRIGLE So he owned the surrounding property not the property itself for the courthouse?

BATES Right

McGARRIGLE But he would have benefited by the development

BATES Oh absolutely

McGARRIGLE And the courthouse was not built on the hill

BATES Right didn t get built on that hill Didn t happen

McGARRIGLE Was there any kind of an indictment?

BATES Never got built up there at all I don t think Actually the grand jury looked into it and I don t know they didn t try to indict him or anything but there was a lot of publicity about it And he did own it

McGARRIGLE I wanted to ask you along those lines something we talked about last time which was this question about Mulford and Bob Lurie paying for his kids scholarships and then his mother and the assistance issue Was there any further fallout other than the political fallout was there further fallout from that?

BATES Not really Just political

McGARRIGLE About wrongdoing

BATES I think there was in retrospect to look back Bob Lurie paying I think it was Louis Lurie

McGARRIGLE Oh Louis Lurie The father

BATES Yes I mean Mulford had an insurance agency that he went back to so he had some other outside income but he could have been stretched for money Or he could have given his kids a scholarship It does smell a little bit but I could kind of understand now looking back it wasn t quite as horrendous The more hypocritical thing was his denouncing welfare fraud and all these cheats and then ignoring the law himself He thought he could get away with it because actually these records were privileged They were private records but we knew all these social workers who knew all about it so that s how it came out So it was sort of dirty pool not totally fair

And then the other important election for me was in 1974 I was elected in 72 but took office in 73 and in 73 I went to a dentist which I m going to today the same dentist In those days I went there to get my teeth cleaned and I hadn t done this for a while so I went to the dentist He put me in his chair and he the dentist was going to clean my teeth I was a county supervisor He was sort of a hippie dentist at this time he had long hair and he was barefoot [Laughter] I don t think he s still barefoot I ll have to check today

McGARRIGLE What is his name?

BATES His name is Willie Moore He s a very wonderful dentist has a great practice So I went to see him he looked at my teeth Then he proceeded to talk to me about fluoridation for like a half hour interspersed with showing me how to brush At the end of the hour we d spent most of it talking about fluoridation Now normally when you go to the dentist one of the disadvantages or advantages of going to the dentist is you can t talk because they ve got things in your mouth But we exchanged and he was telling me all this stuff that was going on He never cleaned my teeth We got all through I knew all about fluoride and all the benefits and how it had naturally been in parts of the country for years and the benefits and all that And when we re all through he said Go clean your own teeth [Laughter] And then he billed me! He had the gall to bill me So I thought that was kind of a cute story I paid him

So I contacted the guy the county dental officer his name was Joel Boriskin? He was just totally gung ho It was like he and Willie More were on the same wavelength And Joel had been talking about this I said Why don t we put fluoride in water? So East Bay MUD [Municipal Utilities District] can do this the directors of East Bay MUD can do this We contacted them and they said No way are we going to touch this This is really Brings people out of the woodwork everything from crazies who think it s a Communist plot to people who think it s going to harden bones There s no way

But Joel had all this information because he was the county dentist and it turned out that the number one reason for absenteeism in the Oakland schools were dental problems which was amazing to me He would show me these kids that just had these unbelievably terrible teeth I became really interested in this important

issue I believed it would make a major contribution to dental health of the children and to my community so I got involved with Joel in putting together a campaign to qualify an initiative to put the issue before the voters on putting fluoride in water

The board of directors of East Bay MUD voted to put the question before the voters and then I ran the campaign for putting fluoride in the water It was a county wide campaign The dentists were terrific They really were supportive of this We got on slate cards and all this campaign material and it really worked And there are people who genuinely believed that it was a bad thing They ran a real campaign against it and even today it s still there are people coming up with new reports and saying that maybe fluoride is bad for osteoporosis or weakens your bones I mean I really believe that it s overwhelmingly been beneficial I ll tell you about that in a second But to this day it s still controversial It s not a sure thing

But in any case we ran a campaign and the dentists were great and we got all these state cards and I used all my contacts with people that I knew around the county and stuff to get it favorably presented to voters in pamphlets and other kinds of things And then at that time I knew Sal Bando who was the captain of the Oakland A s and they had won the World Series in 72 and 73 and they won again in 74 He was a big hero and people knew him I thought This would be great if we could get Reggie Jackson who was another superstar Mr October for the Oakland A s and Sal Bando to sign our ballot arguments for the fluoride campaign It would be great rather than having myself or some dentist or somebody nobody ever heard of

So they signed our ballot Reggie Jackson is responsible for fluoride in our water

McGARRIGLE Did you go and present that personally to him?

BATES I did to Bando I never talked to Jackson

McGARRIGLE And what was that like?

BATES He was a really good guy And actually I got him later to support Jerry Brown [Governor Edmund G Brown Jr] when Jerry Brown was running for governor Jerry Brown was elated and it made the front page of the sports page saying Bando supports Brown Because politicians always dream about getting on the sports page because that s where the readership is It s very helpful in terms of it s a crossover kind of constituency I don t know if

McGARRIGLE Well you see it today with Bill Bradley and the basketball stars

BATES Yes exactly

So the dentists were furious with me They were absolutely livid that I got these guys on it They wanted dentists on there I explained to them that it was better than to have their names on there

So we won We got fluoride in the water Then it has been phenomenal Children s dentists they didn t know what they were doing They put themselves out of business Five years later the dental disease and dental decay was minimal These people now do these topical fluorides in schools they go and look at the kids and they say I can t believe it the kids don t have any cavities It s made a major significant difference And later the state laws I didn t carry it personally but I supported it Teresa Hughes Senator Hughes and her efforts to get fluoride in other places in the state So it happened we ve had it since 74 That probably started in 75 but it s been around twenty five years and it s changed the whole complexion of dental health Hopefully we won t find out later that there was some side effect that we didn t calculate but it continues to be studied

In fact one of the current assembly people former Green party Audie Bock is questioning it So the controversy still exists today But I felt when I got all through with public service that this was something that was real that actually changed the lives of literally thousands and thousands hundreds of thousands of people and made it better So I felt good about that

McGARRIGLE My children s pediatric dentist he did his internship thirty forty years ago in a part of the country where the area was divided by a river One portion had fluoridated water and one did not That was one of his projects was to study the results of that And he came out strongly in favor of fluoridated water and he told me Palo Alto has fluoridated water but Mountain View does not So he gave me a little dissertation on the subject what a difference he notices in the children who he treats And I guess they re working on getting fluoridated water in Mountain View

BATES Yes it s pretty remarkable There are people who hate me to this day for my activities around it because this was like a life and death issue to some people And I always told people that Look we don t agree on this but if you find anything that s important or any kind of information you think makes it bad I m going to be trying to get rid of it if it s going to be shown that it s not a good idea

McGARRIGLE And is it the people who would like to remove fluoridation is there scientific evidence to support their concern?

BATES You know there are studies that are done all the time that they point to so yes I think that they well in my experience over the twenty five years that I was in office we used to get these reports they d say Look at this This proves it s not good We would give it to people and every time it would be discounted But it s almost like our experts against their experts you know what I mean? It s real hard to but Joel Boriskin still is around still practices He s not with the county any

more But he s stayed active on all of these issues We d get these studies and stuff we d show him and he and others would point out what the critique why it was off why it was faulty

But the most important and compelling thing to me was there are parts of the country like you were indicating that have fluoride naturally in the water and that s it They ve had it for hundreds of years and people have lived in those areas and they haven t noticed any problems like the concern has always been one of the concerns has been that when you get older your bones become more brittle But there s never been any proof of that that I ve ever seen And there have been people who have lived in areas that I ve mentioned for 200 years 300 years in Europe other places They ve lived there forever and they don t have any health problems So now that we add something is that different than what s natural? I don t think so

But that issue was an important thing for me And then being in the whole opening up of government We were available all the time People could get in It used to be real impossible to get in to see a supervisor You could just walk in to our office we had an open door policy No supervisors hiding behind their offices We were there all the time and working all the time

McGARRIGLE And then did you also change I think the public meeting schedule so that meetings were held in the evenings?

BATES Yes at more convenient times We pushed for that and we held them for a while and the supervisors just didn t want to do that They voted it down they didn t want to have that But we made all the records available the records had not been available Votes became available So it was all of those internal reforms that were done

I also was married to Carol at that time and she went back to school got a master s in social work she became a psychiatric social worker She worked in mental health in mental hospitals in the East Bay actually at Gladman Hospital in Oakland and did her residency and her hours So I got interested in mental health issues as well as drug and alcohol issues

And then I think my other we started things in the county but that also when I went on to the state that was very helpful to have that background in the areas my assignments took me in the area of mental health

But one of the things that I hated about the board of supervisors was I hated the land use issues It was really hard for me because I was very rigid in my views In the Livermore Valley people wanted to put their homes in situations where they would have septic tanks and I knew that the ground was contaminated There were whole areas where people should not be allowed to put housing in on septic tanks It was just detrimental to the water supply So I voted against those no matter what And people got upset they didn t like that And I didn t like having to vote against people like that

Then Castro Valley at that time I think it s about the same now it was about 50 000 people lived in Castro Valley It was an unincorporated area it was like a city we were like the city council for Castro Valley I wanted to get down all the billboard signs It was just like the board of supervisors didn t care There was only one person who represented the area and the other four didn t So they all voted the people who didn t reside there voted for Foster and Kleiser [outdoor advertising company] and all these companies billboard companies they could put signs everywhere and it was just cluttered and littered I tried to get the signs down so it would make it more livable

And then people would come and say I want to divide my property I want to have an exemption to the zoning to put a house up for my mother in law who s dying of cancer

[End Tape 5 Side A]

[Begin Tape 5 Side B]

BATES another unit for my mother in the back because she s dying of cancer Well I felt sympathy for those people but I said I m not going to change the zoning to give you spot zoning So I voted against it It was hard for me There were real human stories and who am I to I felt bad about that about having to make those zoning decisions so I hated when we had to vote against these people And a lot of times they d pass without me anyway but I felt like I was the grinch that stole Christmas or something

But there were two things that we did in land use that were really good One was we had the Williamson Act[1] which is a preserve where you can put land dedicate agricultural land You can dedicate it into a preserve that says that for ten years you will take your property off the market you won t sell your property and you will get a reduced property tax over that time and you will use it for agricultural purposes So once you decide you want to get out there s another ten year period before you could stop doing agriculture You had to renew every year when you pay your property taxes

We were able to establish Williamson Act land all over opportunities for people You didn t have to go into it unless you wanted to but we provided huge

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1 California Land Conservation Act of 1965 A B 2117 1965 Reg Sess Cal Stat ch 1443

opportunities for agricultural people in the county which was a fairly substantial amount of agriculture particularly in the eastern county So we provided that

Then I also was instrumental in getting even though the planning people didn t like it too much but saying that the flower growers like in Union City and other places like there where more urban areas could also have the Williamson Act and they didn t have to have huge parcels of land So I thought it was worthwhile just to have people growing crops in the city I didn t care That would be maintained there

McGARRIGLE Was there a minimum amount that you need?

BATES No you didn t see? Well you had to have I m sure there must have been something where it was really small You can have it for an acre if you had intense agriculture and you were going to leave it that way So you got a property tax break Because a lot of times what happened of course was as the boundaries of the cities expanded they came to the agricultural land and unless they were protected in some way the property taxes would keep going up Because a higher use was available to them and they d have to sell or get out of what they were doing and develop So I was trying to stop that

And then the other thing that was a good example of pushing the envelope we had this agricultural Williamson Act so then we established preserves zoning We were looking at our zoning The question was what should be the minimum size for agricultural land? A lot of the county was zoned agricultural so how much was a minimum parcel? I said that you couldn t divide a parcel below 1 000 acres Cooper said he didn t know about that and Bort he ended up saying Well let s compromise We ended up with 100 acres minimum

Well 100 acres it was by far the largest amount anybody had ever done before anywhere around I ended up supporting 100 acres but by pushing for 1 000 I ended up getting a tenth of what we wanted The idea was you couldn t divide property below 100 acres so that would stop the division and sale of the property and keep it more in agricultural That still exists today that 100 acre minimum

McGARRIGLE What area does that apply to? Area that was already agricultural?

BATES All agricultural Now if you had a lot that was you had [tape unclear] lot If you owned a ranch that was fifty acres it would be fifty You couldn t divide it If you had twenty five that would be it you couldn t go any lower than twenty five You d have to keep it at that parcel Or go to the board of supervisors and ask for an exemption to the rule

McGARRIGLE But all this development wasn t in your district

BATES No it was all in the other parts in Murphy s district

McGARRIGLE Contra Costa County

BATES No Alameda

McGARRIGLE Alameda County? That s right Pleasanton is Alameda County

BATES It s huge Clear out to Altamont Pass

McGARRIGLE That s right and so there s been a lot of development out there but those were not parcels that were

BATES Well what happened is that they d come back they d try to get special exemptions One of the big fights when I was there on the board of supervisors was they wanted to do a sewage system because they had this problem where they can t do septic tanks so they wanted to put in a sewage system They wanted to bring the sewage over the hills and have it be discharged into a plant that was on the western side of the hills So the question was the capacity of the pipe I fought really hard to

make it small because I didn't want it to be built not for development Even though I was a real estate developer People were saying what's going on? But I was a strong environmentalist and even then I knew that obviously if you don't have water and you don't have sewage you can't have development

So we fought really hard to limit the amount of the pipe and we actually got some compromises It wasn't as big as they wanted So it has helped maintain open space One of the problems they have is capacity now sewage capacity to continue to develop But it developed a lot I mean I didn't win that fight for sure

But there were new towns proposed out in the Altamont Pass and those areas that we fought tooth and nail to stop them and had to do a referendum Big developments were proposed outside of the boundary of Livermore And in the county see it was fairly corrupt because again you have the representative who represents the district a lot of times will say Look I'm opposed to this horrible development but three people who are not accountable to where it's being built agree that it's a good idea and then it goes in this person's district over their objections

That's what happened to a great extent in Contra Costa County All this urban sprawl took place the streets are clogged you can't move practically because nobody planned for transportation nobody planned for schools or recreational activities libraries things like that They just allowed this development to happen It happened in the county with county supervisors voting for development in other people's districts

And that's happened all over the state That's one of the big problems with California government is that cities draw boundaries and a lot of times they'll annex land into the city that's in the county but a lot of times development that

takes place in the county is really not very thought through If you look at it a lot of times there s a level of corruption that probably exists there more than elsewhere

McGARRIGLE That s done differently in different states then? Are there other states that serve as examples for how better to manage development?

BATES Yes a lot of states do What we did was in the county at that time we pushed really hard to say no development will take place in the county None Other than Castro Valley there s maybe two built up places two or three built up places There was Castro Valley and then San Lorenzo which was a small little community unincorporated area in the county of Alameda And there was another place called Ashland Those were three pockets of development that are in really urban settings But generally speaking on the fringe of the cities the county land jurisdiction takes place and what we passed into policy was you couldn t have any development in the county It had to be annexed into the city So the city had to provide sewage water street and fire protection and police protection We did that as a policy but any time you have three votes you change the policy So it s not permanent

But that s I believe the correct way Personally I think the best way to do it is you determine what is going to be considered to be the urban growth line how far it s going to go and where the buffer s going to be You have a buffer zone and then you have agricultural So you have a green belt I m a strong supporter of People for Open Space it used to be called and now the Green Belt Alliance where you draw the boundaries and say This is where development s going to be And my view then and now has always been that it s more important to try to develop in the cities and urban areas where you have the services already in place

Preferably with the idea that I came to over the years and the law that I passed I ended up putting in place the notion of a transit village where you cluster your development you have a high density but it doesn t necessarily mean ugly When you have high density and parks and other kinds of activities and things you can walk to like grocery stores and cleaners so you have the services within walking distance Then you also have it connected to public transportation BART or buses or streetcars or whatever that can provide you with access to where you want to go so you don t really need a car Or if you do you don t need two You try to figure out ways to make it not so auto dependent

McGARRIGLE Well European cities have certainly maintained themselves along those lines

BATES They have They definitely have

So what else about the board of supervisors? I think that s probably it

McGARRIGLE Okay Well this is a good place to stop and then we can start with your running with the assembly next time

BATES That would be great

[End Tape 5 Side B]

[End of Session]

[Session 4 April 26 2000]

[Begin Tape 7 Side A]

McGARRIGLE the board of supervisors and I thought we could start by discussing your first election for a state office

BATES Well just back for a second to the board of supervisors what happened with the board of supervisors was that of course I had run people for various offices against various members of the board I had challenged Robert Hannon with Bob O Sullivan who had lost on the basis that he didn t live in the district And then the county entered into a long and protracted strike and the labor unions went out on strike And I found myself supporting the strikers more than the administration So I had a difficult time inside the board There were only five members Personal relations with the board were deteriorating And Ken Meade at the same time had gone to the legislature and was having a really really bad time in the legislature He was elected in 70 and here it is like 75 excuse me 74 He runs for re election sort of reluctantly I didn t know that at the time but he had real misgivings about running again in 74 And then he basically had a really difficult time in the last years He actually had a problem with a fight with one of the members who had a did we discuss this?

McGARRIGLE No

BATES He evidently had an argument with Lou Papan who is currently a member of the state assembly Papan and he got into an argument Kenny went to his office Papan

followed him to his office I guess to continue to pursue the argument And Kenny evidently threw coffee on him and he ended up punching Ken And then later Ken had some other difficulties which you know he basically believed very strongly in the fact that we shouldn t have a death penalty And when the speaker then speaker Bob Moretti made changes on the committee he served on [A phone rings] The way the committee he was serving on was composed a bill [tape interruption]

McGARRIGLE Just to go back for a minute do you know what the nature of the argument was between Ken Meade and Papan?

BATES I don t I never knew what it was about Kenny was the chair of the Committee on Transportation and it had to do with some kind of issue related before the committee But there s also a great personal dislike between the two people But this made all the papers and was quite a scandal

Back to the committee He was on the committee it was called criminal justice at that time And it was comprised of I believe five members Three members were adamantly opposed to the death penalty and would never let a bill pass that committee that had anything to do with the death penalty you know enhancing the state s ability to execute someone And Kenny believed that very strongly His father was a guard well actually not a guard his father worked at San Quentin as an educator I believe of the prisoners and so he had a very strong feeling that the poor people got killed and got executed but people who could afford a defense never happened So he felt this was the one issue that was a pivotal issue for him And Bob Moretti replaced one of the members on the committee and put on John Miller who was a local assemblyman but who favored the death penalty on the committee so now a bill could move out of the committee

And the reason that Moretti did this was that he was running for statewide office he was running for governor at the time and he didn t want to be painted into the corner as saying he was opposed to the death penalty

So Kenny was extremely distraught by this vote In fact he reached the stage of depression that he actually ended up being hospitalized He basically had a mental breakdown at that point and was hospitalized for I believe two weeks It wasn t really reported in the press or anything but he was that was like the last straw for him So he decided he had to get out of the legislature So he just decided not to run And for me it was extremely fortuitous because I had been on the board of supervisors We had revenue sharing and were able to make major changes But my relationship with the board was bad I would have had to do a lot of repairing in order to be effective again as a county supervisor not only running somebody against one of the members but also during the course of this long strike

McGARRIGLE Let s focus on that for a minute In terms of your relationships with the other supervisors and this obvious ideological difference you had over the strike were there specific incidents that took place or was it just a general tension or ?

BATES There were specific incidents that took place I mean one was that of course I had run a candidate against Bob Hannon who was on the board when I was there and he was defeated And he had one the other board of supervisors was a guy by the name of Don Murphy was very close to Bob Hannon So he was really upset with me for doing that And then the strike occurred and as I mentioned I tended to be more in favor of the unions The position that I had advocated was that they should have some sort of agency shop that made people who worked for the county have a union unless they stated they didn t want a union They didn t have to join the

union but they had to pay a fee to the union And at that point our county counsel said that s not possible under the law which was a great lesson for me to learn

Well after we finally came around to voting that we wanted to do something and we called it a modified agency shop the county counsel found a way to do it So it was like the law is totally malleable in terms of whatever you really wanted they could find a way to justify that which was sort of an eye opener for me at that time a relatively young person So it was that plus that the fact that Murphy I think I may have mentioned to you represented and lived out in the Dublin Pleasanton Livermore area And he was interested in the courthouse being built

McGARRIGLE Oh you did mention that Right in Pleasanton

BATES on a particular piece of property And so I had gone to the grand jury saying that they should investigate this And there was a lot of headlines and things And then I supported another woman a woman by the name of Valerie Raymond who was the first woman to ever be elected to the board of supervisors against Murphy So at the same time when I was running in 1976 for the state assembly this woman was also running against Murphy She had this great issue the fact that he had basically engineered a potential courthouse site that was right by property that he owned It just seemed phony to me or fishy to me when he was advocating for the site because it didn t make a lot of sense in terms of utilities in terms of access and other things And then I started looking around to see Why is he so interested in this? And then it became obvious that he owned property close by And she defeated him Can you imagine a colleague going to the grand jury about a piece of property that you owned or something? It was like unheard of This was when I was in my radical stage [laughter]

McGARRIGLE I was just going to ask you Those were courageous actions Looking back on it do you have a perspective on it?

BATES Well I think yes it was a proper thing to do I mean I was glad that I did that It was kind of short sighted in the sense that if you re going to do that that kind of activities that you re going to have to reap the consequences of that And it was unpleasant for me when obviously when Charlie Santana who actually ended up winning the seat after my candidate was disqualified he had no particular love for me [Laughter] And then Murphy So there were two people who were adamantly against me And then Joe Bort who was a liberal Republican who I think I mentioned to you used to represent Berkeley and I got all his programs funded in his area and then we reapportioned ourselves and he left that Berkeley area and I took over Berkeley And he always was extremely suspect of me he always thought that I was the devil or something He just had reservations about me

Fred Cooper was the other supervisor and he was a lawyer He died when he was in office He was a heavy Camel smoker and he drank quite a bit But he was my closest ally and he wasn t particularly friendly I mean it was more of a necessity that we would bond together But he was always trying to cut deals with the other side with the Murphys and Santana and Bort And he was sort of in the more good old boy network After every board of supervisors meeting the supervisors and the county council would go to a restaurant and have lunch and usually the people from the sign company Foster and Kleiser and other people would go and buy their lunch So they would drink quite a bit and socialize And I never I went once and saw what it was and said I didn t want to do this So I didn t go So they had a more personal relationship the other supervisors

So when this opportunity came to run for the state assembly it was like a godsend providing me with an opportunity to have gained the experience having local experience with the board of supervisors and then to be able to run for a state office And I selected a woman who s a very close friend of mine her name is Lynn Suter as my campaign manager And I never realized until quite a bit later that she was the second woman to ever be selected to run a campaign for the assembly The only other person was when Bill Lockyer was actually I knew as a young staff member for Bob Crown and I was working with Ken Meade He was a staff member And then when Bob Crown who represented Alameda and really a fantastic legislator unfortunately was jogging one day and got run over by a car and was killed caused a special election and Lockyer ran for that seat and of course was elected And when he ran he chose a woman by the name of Judy Briggs who worked for Crown but knew a lot about politics So she was the first woman to ever run an assembly campaign

And then two years later or so Lynn Suter ran my campaign She was the second woman both from Alameda County It just seemed like a natural thing She was really intelligent smart hard working dedicated woman And she just is a kind of—a little bit more about her career she ran my campaign and then she ran Lionel Wilson s campaign for mayor of Oakland And he was the first African American to be elected She played a real active role in his campaign and then became the lobbyist for the City of Oakland in Sacramento She moved up to Sacramento and she formed one of the first women lobbying firms in the state and now I think she probably has one of the most successful lobbying firms She represents primarily I think almost exclusively—government jurisdictions So she

represents the County of Alameda and various governments like Ventura County She doesn t represent any particular interest other than local government

McGARRIGLE How interesting interesting career path

BATES She remains a very close friend So she ran the campaign and the idea for the campaign was to try to do the thing that all campaigns should do which is to not run against anybody too difficult As a county supervisor I had a great edge because I had an office of fairly high visibility The seat which Kenny represented was still a Democratic seat at that time but it was not an overwhelmingly Democratic seat I think the registration was about 56 percent Democratic So that makes it kind of marginal But not I mean a really strong Republican who can get the independents and some conservative Democrats could actually win a seat like this So I ran in the primary which we considered to be one of the most important parts Obviously you can t win if you don t win in the primary

So I ran against a fellow by the name of Tom Dove who worked at the Attorney General s Office as a deputy attorney general and a woman by the name of Barbara McNab were the two principal opponents I had in the primary But I had a lot of momentum in terms of contacts with the state and still had this very strong labor support And so I was able to put together with Lynn and with a lot of volunteers a really good campaign I was able to win fairly handily the Democratic nomination It wasn t really all that difficult Tom Dove finished second And Barbara McNab was a school teacher at that time and she raised the issue of women being in office And of course the fact that women were not in office and that this was another man taking the position So I made the pledge at that time that I would do whatever I could to see women get elected to office and

that when I left my seat that I would do everything possible to make sure that a woman took my seat And that that would be a pledge that I would try to honor and I was lucky to say that I did honor that pledge

One time it was such that every member of the Berkeley City Council was a woman My wife [Loni Hancock] was the mayor of Berkeley We had a woman for state senator we had two United States senators who were women and I had played a major role in NOW [National Organization for Women] which I ll tell you about later through the feminization of poverty and through women voter registration projects and things of that nature that came up later in my career But Barbara McNab really made me think about the issues that there was a need for women s representation and that I needed to do everything I could to assist in that

As you may recall I think I told you I had run a campaign for Betty Ann Bruno for the city council and barely lost I worked really hard for a woman by the name of Mary Moore who was elected to the Oakland City Council who was a friend and someone that I also supported So I did follow that pledge pretty much throughout my career and it was great in the campaign to have a woman campaign manager Nobody had ever had a woman campaign manager except Bill Lockyer It wasn t just a title I mean she really ran the campaign And she did a really really exceptionally good job

McGARRIGLE And that information about your involvement with other women candidates and your support of other women candidates was that made a public part of the campaign?

BATES Well it actually came a lot of it came later What I did have of course is I had run a campaign for Betty Ann Bruno for city council So that had already occurred and then I had of course Lynn was my campaign manager and Dion [Aroner]

was even though she had the title of actually secretary she ran my office [Laughter] So it was very clear that I was surrounding myself with strong women And then throughout my career I basically had supported women for office But at that time it was just really beginning and I hadn t really I mean when I supported Betty Ann Bruno I supported her because she was the best candidate She was smart she was a good friend and she would have been a great city council member It wasn t so much that she was a woman per se it was that she was really a great candidate and a great person

And then later however I did really try to foster women candidates and support women candidates for office and stuff so Ying Lee Kelley ran for mayor of Berkeley I supported her So then in the campaign I had a meeting Actually at that time in 1976 when I was running I actually met Ying at this very table [Laughter] It was a very fortuitous meeting I set up a meeting with Loni Hancock and with Ying Kelley And we d sat at this table and we talked about my campaign And even though I had been a county supervisor Loni had been elected to the city council in Berkeley She was elected in 71

So this is now 76 And Ying has also been elected So the two women are on the Berkeley City Council and I supported both their candidacies But they really didn t know me I mean they didn t know who I was But I came and I talked to them I m sitting actually at the table at the north and Loni was sitting here and Ying was sitting here And so I said you always ask people for their support and so I asked if they would support me And Ying said Certainly I ll support you At which point Loni was much more reluctant to do so because she didn t really know me evidently kicked Ying under the table [laughter] I found out later for doing this So she then had no choice but to say yes that she would support me

And that was very very helpful In Berkeley at that time there were the various camps and if you had and then later I was able to get Dellums s support for my candidacy So if you had Dellums and Hancock then people would clearly identify with one faction And of course my opponent Tom Dove tried to attach himself to the opposition At that time the Berkeley Democratic Club were the opposition to us even though they probably agreed with us on 80 percent of all the issues And as a state legislator there weren t other than rent control many issues we disagreed on They probably agreed with me 95 percent of the time other than this one issue of rent control But when I would go places and walk precincts and say I m Tom Bates I m running for this and then I d go on and on and then they d say Oh look Dellums supports you I m for you or Hancock and Dellums support you I m for you Don t say anything more [laughter] That was a very important and very powerful signal

So the hope was to get that support and then be able to get some support from the other side the opposition And then when the primary came and was over then try to solidify the Democratic support and then run as the Democratic nomination against the Republican And I have to say that for me personally that even though the local people it was more Loni s fight at the local level where people really galvanized at the city council level I had really strong opposition the Berkeley Democratic Club on one hand and the Berkeley Citizens Action on the other hand And they went at it tooth and nail at the local level At the state level it was much more agreement on issues And so it was a lot easier for me than Loni And even though people once I was in office the Berkeley Democratic Club was really upset with me because I would support and endorse people who were running from the Berkeley Citizens Action And so they really were upset

and angry at me for doing that It s one thing to be in office it s another thing to actively support their opposition at the local level So they were never pleased with me

McGARRIGLE Since as you said on almost a hundred percent of the issues if you exclude rent control there was agreement was that in retrospect a clash of personalities as well as ideological?

BATES No I think that personality wise I think most of the people would say that they liked me He seems to be a likable nice person but

McGARRIGLE Oh I m sorry what I meant was between the two groups between the Berkeley Citizens Action club—BCA—and BDC?

BATES And the Democratic Club?

McGARRIGLE Right

BATES Was it personality? Well there was certainly some of that I mean there were some major divides The first big divide was over the Vietnam War The Democratic Club supported the position of President [Lyndon B] Johnson that it was important to do this to stop the Communists and you know the domino theory if Vietnam falls then all Southeast Asia s going to fall And then they also were very supportive of the congressman who was Jeffrey Cohelan He got a lot of his support from that club So they identified with Cohelan who was a moderate Democrat on the war and never really came around to opposing the war until very late And then Ron Dellums appears on the scene He then galvanizes the Berkeley Citizens Action the BCA and they support him and he upsets knocks off Cohelan A big divide was over that then eventually to their credit I think most of [the] people in the Democratic Club changed their minds about the war

McGARRIGLE But that s what my next question was

BATES Over time over time

McGARRIGLE That s what I would have thought

BATES Yes And then there was an issue that wasn t exactly Berkeley Democratic Club versus BCA Dellums had a very strident point of view about Israel and the allied Arab nations around it from Syria and Lebanon and places like that He felt that we were giving too much money to Israel and not enough to these others So there was some concern among the Jewish constituents about his position vis a vis Israel and strong unequivocal support of Israel when he challenged some assumptions and said that maybe we need to do more for other people and less for Israel That caused a lot of consternation among some people Which he eventually you know to his credit too he met with people a lot of time and really got to know all the positions around all of the issues and probably moderated his views and other people changed their views Nobody was particularly there was no right or wrong His position ended up being I think over time what actually happened

The Democratic Club the big economic driving issue was the rent control and it shouldn t be underplayed I mean this is if you artificially hold down rent and not allow the market to function as it would in supply and demand it ends up being literally billions of dollars that would have gone to the landlord class went to some other part of the economy went to the restaurants went to the bookstores went to the coffee shops went someplace else So the actual percentage of dollars that were spent on dwellings wasn t as great as the percentage as other people in other parts of the country But rent control is an issue that it was like a no win position for me It was an issue that I felt that

A couple of things First of all it felt like people wanted it here and they had voted for it It was never adopted by the city council there was always a vote of the people And albeit rather close it was that people did vote people did decide that they wanted it I believe that there were at least three or possibly four votes on rent control issues around trying to change it trying to modify it and each time it would lose and rent control was voted in and remained in position Now it s also true that Berkeley is substantially a renter community I think sometimes I believe 64 percent or so of the people were renters But a lot of those were students and they didn t participate in the elections and things of that nature But that was a big big ongoing issue that was always in my future [Laughter] During my whole public service there was like

McGARRIGLE It s still a divisive issue And I have the sense that the difference of opinions from twenty five years back is alive and well in some form

BATES It is No doubt about it

McGARRIGLE as well as rent control Did you find it necessary to get involved in the rent control debate or did you remain outside of that?

BATES No actually the debate of course took place in Berkeley and then when landlords could not win in Berkeley they took it to the state legislature and so we had to fight for rent control There were bills introduced all the time that would do away with rent control on the statewide basis And we had to fight it tooth and nail And so we never it was always an issue And then there was an assemblyman Jim Costa who represented the landlords and made a contact with Berkeley landlords and they formed a group It was called Black Landlords Against Rent Control I forget exactly the title But it was a front group for a lot of the other landlords who were not African American but supported their efforts

So they lobbied they hired people to come to Sacramento lobbied all the time against rent control And then they hit upon a couple of things that were successful that really really weakened rent control One of them was that a senator Ellis Jim Ellis passed a bill that said that if you wanted to take your property off if you [had] rental property and you wanted to evict your tenants you can do so if you took your property off the market for one year It s called the Ellis Act So that has now occurred that people have done that they ve had buildings that have they have such an economic interest in getting people out that they re willing to do that So they end up having no rent no income for a year And then at the end of time restoring it and making it a different kind of rental unit

McGARRIGLE Is that different than having to move in a family member yourself or a family member?

BATES It s a different strategy There s a strategy that people almost every rent control well first of all rent control in Berkeley provided a couple of things always provided any new construction that was done would not be covered by rent control So if people say Oh we can t build because of rent control well that wasn t the case There was always that but still it was like a climate they didn t want to do the next thing was as you ve indicated that if a relative or if someone wanted the space you could in fact evict someone for that purpose And then Berkeley enacted a thing called just cause eviction you couldn t just evict somebody because you wanted them out So you had to have a reason they had to break the law or they had to do so it made it difficult to get people out

One of the ways of getting them out was to bring a relative in But that was not particularly effective So they fought this like crazy and then one of the things that this Senator Costa he then went on to the senate kept pushing bills And we were

fortunate that from the standpoint of trying to prevent change in that Senator David Roberti who was pro tem who was a head of the senate represented West Hollywood which actually had a strong rent control law too So he was a very good ally And Senator [Nicholas] Petris even though he was never wild about rent control I m putting it mildly felt like his district supported rent control particularly Berkeley which is the only place that really had any rent control in any of his other area was in support of rent control So he up until the end and then he changed alas voted for a bill that Costa put forward which provided for vacancy decontrol so in other words when a unit becomes vacant in Berkeley up until that time

[End Tape 7 Side A]

[Begin Tape 7 Side B]

BATES So when a unit becomes vacant you can charge whatever you want A place across the street from us was renting for about $600 a month I think maybe $650 a month and after the Costa Law[1] became law it went to $1 200 a month

McGARRIGLE About what year was that?

BATES That was a couple of years ago

McGARRIGLE Okay recently

BATES And now rents have just gone you know completely sky high in Berkeley Whenever a thing is vacant there s such a demand That was the argument that was for me it was a prevailing argument that every year you have like 5 000 new people coming to Berkeley to go to school and a certain percentage want to stay so you have tremendous pressure on the rental market And the ability to build which would be a great opportunity to build new construction and which I was totally in

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1 Costa Hawkins Rental Housing Act (1996 1999)

favor of and tried to push the university to do because they were the biggest problem

Now today they re planning to build an incredible number of new units up on the rim of the campus which will help but the point was that you had this supply and demand was completely skewed in this community so it was As soon as this Costa was successful it only applied to there were only I think something like six or maybe seven communities in the state that had a provision that said that you could re control rents when they were vacated It was like West Hollywood Santa Monica Berkeley Cotati and East Palo Alto and maybe one other one But it was not like a huge uniform problem But they had so much money and so much interest behind it that they were able finally to get Petris supported it and Roberti was gone and it passed

McGARRIGLE Do you think that rent control helps the right people? I mean there s so many stories about graduate students who stayed out long after their graduation and well into their professional careers in rent controlled apartments As you say the money was redistributed in the economy so instead of going to the landlord it went out in other directions but it also went to individuals who saved the money who then bought property because for many years they had paid less than market rent

BATES It s a tough call At one point one of the things that seemed like it was unfair was to have people with high income in low rent places that there ought to have been an income test that ought to also have applied And I certainly would have supported that as a way to maintain rent control I mean I don t think it s fair for somebody to be making a very high salary and paying a really low rent just to be paying a low rent I mean in other words they would be saving their money There

are people who own homes and also have rental apartments At the same time and they never let them go

McGARRIGLE Right

BATES Let them go So that was really unfair The other thing was that we know that Berkeley had a lot of lower and middle class people that could afford to live in Berkeley because of that I mean from a very selfish point of view those were our base Those were people who supported us and supported the political aspirations of candidates that we ve supported So it was like our base I mean why would you attack your base and you know throw them out or allow them to be evicted or whatever? So Berkeley has changed substantially because of the passage of the Costa Bill and the doing away with you know allowing for rents to rise upon vacancies People are being forced out There are a lot of stuff horror stories you hear going on The rents are going up

In retrospect I came out of the base which supported rent control The people voted for it but it was never particularly any good issue for me because it was I mean I had to defend it in the state legislature Albeit my wife was the mayor and I mean I had ties with people who supported it supported rent control So I wasn t about to break that And so I ended up having to fight fights that I didn t really choose to fight And from a political aspiration point of view when I looked at one time to running for other offices it was like the death knell I mean it was like How could you be for rent control? And then if I were to run for higher office and ask the question well I mean there s no way I could refute the fact that I had supported rent control and I couldn t turn my back on it and say Well you know

I mean it was like so it was not a good issue for me politically In fact that was well we used to say that was our baggage our luggage was that rent control

that we had to [Laughter] carry around with us And people in other parts of the district like Orinda and Moraga and Lafayette they thought it was like a socialism or a communism or something supporting rent control

But over time I think it definitely did a couple of things it allowed for a lot of poor people to remain in Berkeley for a lot longer period of time it had a lot to do with people who spent money on other parts of the economy which built up other parts of the economy There were some studies done which showed that the bookstores and the restaurants were doing so well because people had expendable funds And I think it s true to say that it helped a lot of poor people it helped a lot of middle class people It also helped some people who probably didn t need the help Maybe a relatively I don t know what percentage of which but I don t think there s any doubt that people abuse it for their own self interest and had low rents so they pocketed the money

But there was an issue from when I ran for the board of supervisors it was not an issue I mean I didn t represent Berkeley Then when I ran for the state assembly it was an issue that I had up until I had to participate in at the state level one form or another opposing rent control reforms or blocking or doing away with rent control right up until almost the very end So for almost the entire I d say roughly out of twenty years in the state assembly probably eighteen of those years were involved with trying to defeat bills around rent control And we didn t have too many allies [Laughter] You can imagine

McGARRIGLE [Laughter] Oh I can imagine Well I also wonder if there weren t small landowners you know owners of a small number of units who didn t leave Berkeley and then were those units bought by larger property owners who could

tolerate who could ride the wave of rent control and tolerate the diminishing returns for a period of time Was there a concentration of building?

BATES I don t think so I think that what happened was a lot of people small people would buy like duplexes or four plexes and maintain them themselves Also rent control didn t help themselves I mean what happened was unfortunate for rent control and it was that they had an elected board rent board And those became fiercely contested elections And so it seemed like for some reason I don t know how this was but every other election it would swing from the landlords would gain control of the rent control board and then the tenants would get control And then it just kept swinging back and forth So there s no continuity

So when the landlords people would come in they would basically make everything easy for the landlords and do all this stuff And then the tenants would take over and they d make it so complicated and so complex and so much red tape and so much delay It was like they were shooting each other in the foot practically The tenants when they did gain control never helped themselves I mean they basically for instance there should have been a way I mean there s no reason for this If you have like a leaky roof and you go in and you put in a new roof you have a certain cost you should be able to amortize that cost over the period of the roof You should be able to pay you know have that go automatically in my judgment to the tenants The tenants should have to pay for that over the period of twenty years or fifteen years whatever the costs are I mean that s fair But they became really frustrated The landlords would come in and they d end up complaining to us about how we can t make it work or so it was like they did a lot of stuff that made it a lot worse than they needed to

There were some people who had rent controlled units who actually liked it It was sort of strange because they [Laughter] What they had were these were kind of maybe liberal friends of ours that liked having rent controlled apartments because every year the rent board would determine what the rents should be adjusted for And so if the landlords people were in there of course they went to the very maximum that they could go And they had to do this through surveys but there was a lot of sort of fudging But they would go to the maximum [Then] the tenants would be in there they would go to the minimum So it was like if they would have gone in the middle both of them would have been better off

But some people liked it because they didn t have to look people in the eye and say I m going to raise your rent every year They would say Well the rent board said this so automatically it went up So if they would have worked the bureaucracy that would have been quick and resolved disputes fast and fairly it would have been but there s such a hatred between the two groups that it was like not everybody but the real activists And they actually in my judgment rent control advocates drove the people like and the BCA used to be an organization that when they have nominating conventions to various local offices they would have five to seven hundred people would show up and participate in the debate and selection of candidates to represent them But the zealots and the rent fanatics would talk and bring up all these issues that they drove other people away After a while they just said Who wants to deal with this right? So saner rational people dropped off They found other things to do

So it became more and more of a hard core of people who were interested in very narrow issues and rent was one of them It was like the absolute litmus test So it really hurt the organization to the extent that at the end of her career when

Loni was mayor she actually basically split with the BCA She wasn t going to participate with them anymore And when she did that she didn t particularly gain any support from the other side The other side was so the Democratic Club they you know it s like Well that s too bad But they re not going to step up and say Well we re going to support you now that you have these other you know changed your view on things But rent control was a and we figured that it went in about 74 and was in place for really until the middle nineties

So you can imagine the amount of suppressed value that was involved So it was literally millions of dollars that didn t come to the landlords It went elsewhere Now landlords said they didn t maintain their property because of it because they couldn t get reimbursed So I m sure that s true with some of them But it was an Achilles heel in a lot of ways and a difficult issue I m sure that legislators have similar issues and similar things that they have to fight and represent which I mean I believed in it and I felt it was important to do but it wasn t what I would choose to do It wasn t like I would fall on my sword for this issue It was something that sort of like came with the territory

And particularly with my affiliations and associations I mean it was like if I would have changed my view on rent control and done something like Petris did he switched it was like people were shocked that he would do this that he would make this change and he had sold out and all this other stuff So it was very hard people were just like a litmus test Death penalty abortions rent control [Laughter] You know what I mean? Dogs off leash There are some issues you can t win on right? This was one of those

McGARRIGLE No I understand that having grown up in Berkeley

BATES [Laughter]

McGARRIGLE the magnitude and the severity of the weight of it

BATES Right Well it was a limiting as I mentioned it certainly limited my horizons and I always had to justify it whenever I would go places And my district as I mentioned when I was elected to the state legislature included Orinda Moraga and Lafayette and they felt that that was a terrible thing that I was supporting this and doing this So it was really a galvanizing tool for people who were against me They d say Well you know this guy is here And then we re sort of transitioning so the campaign I then ran for the Democratic nomination Won that pretty easily Then ran against a Republican nominee who was a guy by the name of Art Flegel He had owned a furniture store and now his son is down in your area You hear him advertise on the radio

McGARRIGLE I know the name in Menlo Park

BATES In Menlo Park Yes they left town And he was not a particularly serious candidate He was on the Piedmont City Council He had run before against Ken Meade in 74 and he was not considered a serious really serious candidate by people I mean he didn t have the stature in terms of what might have been somebody who could appeal to the parts of my base the more conservative Democrats I mean he could have maybe made an inroad but he wasn t well financed and we had a really strong momentum going so I won pretty easily I think I got like 58 percent of the vote so I ran about two percentage points above registration Which was good it wasn t great The assumptions are that Democrats don t turn out to vote and when they do they don t vote with great loyalty But we also had a lot of independents in the district And the independents tended to be in some cases tended to be very liberal So they would be more liberal than the Democrats And we didn t have Peace and Freedom and all these other kinds of

parties at that time There were American Independents which were a conservative group on the ballot So I won pretty easily and then went to the legislature

Just skipping a little bit when I was in my first term I made some votes that made it difficult for me to run for reelection the second time in 78 In 78 during the course of my first term in office I introduced this idea that we thought was a great idea which was doing away with forced overtime I ll be glad to tell you all the ins and outs of it What happened was this became a bill that manufacturers and the Chamber of Commerce considered to be the worst bill that they d ever seen in their history that they had to stop this bill at all costs

McGARRIGLE And how did the idea get started? How did the idea come to you? The idea

BATES The idea came from one of my campaign workers At that time when I was running for office we were looking for ways of creating jobs and trying to figure out ways of being proactive in this One of the people who came to me was a really close friend and said Well why don t you consider the idea of stopping people who don t want to work overtime to have the opportunity not to work overtime and provide other jobs for other people? You can get part time jobs you can get people maybe job sharing you can hire new people And we looked into it and sure enough it was a big problem particularly for the phone company for the people who worked for at that time for the utilities the PG&E and Southern California Edison A lot of people like that were being forced to work overtime

And then once we got into the issue we found out that it wasn t just related to that sector it was pretty widespread Because what actually happens is that some cases it s cheaper for people to have people work overtime and pay overtime time and a half than it is to bring new people on and pay their benefits and all the other things that are related to the cost of personnel And you have a

knowledgeable person working overtime Now some people love to work overtime and want to work overtime but other people don t want to work overtime

And what happened was we introduced the bill [A B 1295] and we did it in a way that was really very tricky We knew I mean we just had this innate feeling that it was going to be controversial and it was going to be difficult So when we introduced the bill it had to be in print for thirty days And when it was in print we arranged it so we didn t hear it right away But we arranged it to be heard in the committee which dealt with employment and the policy committee that dealt with labor So it was a very favorable committee that it went to

And then it had to go to the Ways and Means Committee because it had money involved Even though it was a small amount there was money involved in enforcement And then it had to go to the assembly floor So even though I was a rookie we at least knew some of the savvy for the way the place worked because I had worked for Ken and I knew something about it And then Lenny Goldberg was working for me and Maggie Lindin now her name was Sandera at that time was working for me And the assembly representation was fifty seven members out of eighty were Democrats So more than two thirds of the house were Democrats So it was a huge huge Democratic shift in 76 when I was elected We went way over to the Democratic side Never been like that since In fact it went down every year until the end It went below forty members So we knew that we had a lot of support in the Democrats

And so we worked and we introduced the bill and then to our surprise and we found that people contacted it just hit it [Snaps fingers] like a lightning rod to a lot of people They just saw this bill and said this is the greatest thing because I m

working overtime I ve got kids I ve got to pick them up from school I can t do it I m forced to work overtime And there was a huge huge labor outcry And then it turned out the communications workers the people who represented the phone company and represented a lot of the utility companies This was like the number one issue with them So they came to us and they got really excited about this bill And they used it I think as an organizing tool for some places that didn t have representation And labor just really really liked this bill I guess it was imaginative nobody had ever seen this kind of legislation And it made sense I mean it s real hard to justify forcing somebody to work overtime when you can hire somebody else and help the economy Unemployment was very high then It was over 10 percent officially So it made a lot of sense all the way around

We waited though So we got the labor unions and we told them to work the bill So they lobbied started working the Democratic people and started visiting the assembly members and particularly some senators but mostly assembly So then we set the bill and it was heard in the Labor Committee and it passed And then immediately we had it set to go to the Ways and Means Committee So it was passed like on a Monday and it was heard in the Ways and Means Committee on Thursday and then [Claps hands together once] the following week we brought it up on the assembly floor So the opposition really had not galvanized I mean they didn t even know about the issue It was like out there this idea this freshman you know with this crazy idea

And Jerry Brown of course is the governor And he s been running this is in 76 He s thinking about running for president He actually later takes the position in support of the legislation It was pretty amazing So the bill passed [Tapping table for emphasis] boom boom boom Goes through the assembly goes to the

senate The only problem we had was that when it passed the assembly we went on recess And the opposition galvanized like you wouldn t believe it The Chamber of Commerce and the California manufacturers and the utility companies and all they all dumped in all this money and they started these mailings And it was like I was the devil incarnate It became a huge rallying cry for them and organizing for them So it went to the Committee on Industrial Relations in the state senate

And I don t know the true story on this [Laughter] I don t know the true story on this but [Senator] Alan Robbins was one of the key votes that we had on this bill and he went to jail [Assemblyman later Senator Joseph] Joe Montoya who also went to jail was on this committee

It would be fun to see if Robbins would ever talk about it He went to jail

McGARRIGLE For some substantial period of time?

BATES Yes yes later for other things that he was involved with [put him] you know he never showed up he wouldn t vote And here he represented a working class district and all this stuff But we could never get the bill out of this committee out of the Senate Industrial Relations Committee So we tried for you know and Robbins wouldn t show up in the committee and blah blah And [Senator] George Zenovich was the chair of the committee and he later became a lobbyist or actually became a judge and then later became a lobbyist He didn t like being a judge [and so he] liked being around the legislature and so he came back And I don t know if I ll ever really know the true story of what happened but the bill never got out of that committee

We couldn t get it out so it was now 78 And Jerry Brown is then running for president and he is asked about this legislation and says he s for it And you know he was trying to get support from labor So if we could have gotten the bill

out we would have had a signature by the governor and all we needed to do was really get it out of this one committee and we couldn t get it out of the committee And that was an experience And it s probably naive but I think that we ll never know and I personally believe that a lot of money passed under the table Particularly Robbins and Montoya who were later proven to be crooks [Laughter] Anyway it was and so when I ran for re election my God they were Oh here he is He s for rent control He s for this Communist idea about trying to have workers have some say at the workplace [Laughter]

McGARRIGLE But that must have crossed a lot of party lines in terms of your support from labor I imagine I mean the widespread support you had from labor Did that cross party lines?

BATES No it was pretty much Democratic Very much

McGARRIGLE It was Democratic to begin with?

BATES Yes

McGARRIGLE It wasn t like you

BATES No there s a Republican

McGARRIGLE you gained any ?

BATES No no No they just really loved this So people still like this bill We still talk about this bill It was really a fight We had hearings and it would be full Five hundred people would be there And it would be letters and phone calls and it was an intense lobbying campaign we had going on

McGARRIGLE Did it come to be in another form at another point?

BATES No The only thing that really occurred was I think Anyhow we re not positive but what happened was that people said that manufacturers and other people who were opposing the bill put a lot of pressure on the phone company and on the gas

companies and said Wait a minute you got to stop this practice You re the cause of this problem If we can ease this back this off then we re not going to have the problem So that s what happened They then negotiated with the labor unions to not require forced overtime in their contracts So they got this in their contracts So they were very happy the communication workers So then that was their strongest ally too were the communication workers

And they were a very powerful union I mean it wasn t like they were a small I would say they re one of the major three or four big players in Sacramento even today because they have members everywhere obviously So they received the opportunity to not have forced overtime in their contracts Now I think I m not sure about this Leah but I believe that over time they actually got it back in the company got it back in because I think it s a problem again today particularly with all of these requests for other lines going in people s homes with the spread of the Internet and wanting to have a dedicated line for various things that they have forced people once again to work overtime

But they did a couple a things as far as I can tell the opposition was able to certainly block us allies that should have been supporters for all intent and purposes potential allies became enemies And then they ran this campaign this PR campaign Editorials all over the state about this how bad this was and how horrible it was And the Chamber of Commerce as I said they would try to get members to join and rally to fight this because there s nothing better than having a good opponent somebody you can rally your people to fight Tom Hayden especially great witch hunt and Jane Fonda they would always say Stop this evil threat You know the Democratic Club has used BCA is this terrible horrible creeping opposition and Communist

So we were the one for the manufacturers I think we helped them galvanize their membership [Laughter] and get going But that was a big disappointment for us but we really worked hard We had really great organizers on the staff particularly Maggie Sandera and Lenny Goldberg I mean we really worked hard on this bill When I first went to Sacramento with my parents to be sworn in we re driving up and my parents are in the car with my kids We were trying to hurry to get there because the legislature started at one o clock but there was a Democratic caucus at noon and at the Democratic caucus they selected the speaker they would determine who was going to run And Leo McCarthy it was a pretty shut and dried case that he was going to be the speaker There were fifty seven Democrats [Laughter] and he was the only one running There was no opposition to him because he had done so well in terms of getting all these people elected

So we re hurrying up there and my father s car blows a tire and ends up doing this spinning 360 degrees and going off the side of the road And so driving up there the car in front of us it was like seeing my family go up in smoke That is in my beginning of my career [Laughter] They were fine I had to change the tire My father s car was headed towards Sacramento So he d gone 360 degrees on his blown tire It was one of the front tires So it was very scary as it went into the other lanes and then came around

[End of Tape 7 Side B]

[Begin Tape 8 Side A]

BATES It was a small office I d say it was probably four six six by twelve which was to be the receptionist s staff office and then this huge office for the member s office It was a humongous office so it didn t make any sense I had Maggie [Linden] and Lenny [Goldberg] who were working with me so I had the secretary in what was

the small office and then the three of us were in this large office We had three people in this big office And both of them are extremely loud people [Laughter] It was like chaos for the three of us yelling back and forth and doing all this stuff and Maggie really was a loud person but she s great

Maggie had worked for Senator [Alan] Cranston in Washington D C and was very involved in the disabled movement in Washington D C She had come out and lived in the Hayward area but moved with her daughter to Sacramento to work for me So she lived in an apartment complex and we Lenny and I rented a place in the same complex So the three of us were in this room all day long and then together every night We were together at dinner and strategizing [Laughter] So we worked all the time

MCGARRIGLE And then did you come back to the East Bay on weekends?

BATES I didn t At that time I stayed Mondays and Wednesday nights up in Sacramento I came home on Tuesdays and Thursdays But we were working all the time And the three of us were always together From the beginning we d sort of shared I mean it was like they had responsibilities and the bills and I had stuff that I was doing But it was really a very unusual relationship between staff and a member of the legislature Usually there s always I mean there s a gulf between the staff [Laughter] We were like living together and working together in the same room

McGARRIGLE Did other legislators make note of that? Your style?

BATES I don t think they knew I don t think they knew And when I used to want to make personal phone calls I d have to go down to the members lounge to make calls because I couldn t talk about anything personal in the office the two there all the time But it was a different style of working for sure And then with the overtime bill we were really working together the three of us all the time organizing and

fighting trying to figure out different ways of strategizing how to get to people And so it was wonderful in a lot of ways

During that first term because of Maggie s interest and my own interest in terms of the Center for Independent Living in Berkeley and Ed Roberts who was one of the founders of the Center for Independent Living and I think he s sort of the Mahatma Gandhi of the disabled movement he used to live actually next door the house next door in Berkeley 2223 Ward St

McGARRIGLE Oh really?

BATES Yes

McGARRIGLE Our office had interviewed him [1]

BATES Yes? Yes he lived right next door in the house And Loni was very close friends of Ed Roberts and his mother Zona She s still alive But we really knew Ed and I was on the board of supervisors of course when Ed came to get funding for the Center for Independent Living And I helped Ed get funding for the center from the county board of supervisors and so it was only natural So we knew each other and so he said Would you consider helping to take the Center for Independent Living and making it a statewide program? And so we [Maggie and I] said Sure We d love to

So Maggie and myself we did Bill 204 Assembly Bill 204 which was an extremely radical bill which we didn t particularly appreciate or know at the time But the reason it was radical was that it gave the money to the group of disabled people and they actually had money to provide services and so it was self empowering But in addition to that the composition of the board of directors had

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1 Edward V Roberts Oral History Interview conducted 1994 by Susan O Hara Regional Oral History Office University of California at Berkeley for the California State Archives State Government Oral History Program

to be a majority disabled So it was like they really were in control And it was interesting because we put the bill in and we had Ed of course supporting it But we also connected up with a lot of disabled people around the state And they did lobbying Republicans had this view of disabled people as being truly deserving poor I mean they have the idea that welfare people people on welfare are not deserving that they re lazy they could get off if they just tried harder But if you re in a wheelchair they figure Well you re deserving it s not your fault Somehow or other fate has dealt you this terrible thing

The Republicans were not opposed to this bill so that was really incredible We put the bill in and people in wheelchairs would show up to provide testimony And we never had any particular opposition I mean who s going to oppose this? You know what I mean? So it went through pretty easily The only question what happened of course in my first term I was elected in 76 but 77 was my first year in office In 78 came Proposition 13 June of 78 came Proposition 13 And so the only difficulty we had was the bill didn t get started the first year it got started in the second year So the question was the money Where are we going to get the money for this?

But luckily after Proposition 13 of course the legislature had something like seven billion dollars that Jerry Brown who was governor was sitting on which he wouldn t spend He wouldn t give tax relief he wouldn t do The real problem was related to homes and being assessed and reassessed and people having to pay real high real estate taxes and not having any control over that people were literally being forced out of their homes because they couldn t pay the taxes We can talk about that some more but there was legislation that Petris did which would have changed that which would have applied substantial tax relief to people

who owned homes and probably there would not have been the need for Proposition 13 But Jerry Brown failed to lobby that or didn t lobby it and it lost by two votes in the state senate

So in any case it passes Proposition 13 passes and there was all this money on hand but it was all going back We had to use it to bail out local government So it was a real question of whether we could ever get this funded And I had another bill that was also pending too which was a major significant bill which was a bill that would establish a residential treatment system for mentally ill [A B 3052] It was also pending And it also had funding questions But both of those issues the legislature determined that they were the truly needy and so we were able to get them funded And it was not a lot of money I think the Center for Independent Living got something like this is in 1978 got something like four million dollars to start out which was a lot but not really considering it s a huge state

But we were able to add other centers along the way and by going through the fiscal committee to establish centers And then the centers became really really successful and then later nationwide And now they re actually all over the world thanks to Ed Roberts and other leaders of the disabled movement

McGARRIGLE It was a replication process It spawned

BATES Yes yes It was wonderful That was really a wonderful thing that happened that we were able to move that around Proposition 13 just for a moment without getting into a lot of the legislative history the first years Proposition 13 was when it got there I guess I should tell you see I was closely associated with my staff As I said I lived together with them worked together in the same room with them And I liked the members of the legislature but I found myself being sort of standoffish in terms of I wasn t really fitting in with them in terms of like

socializing or doing other things When I first was elected there was every night Monday through Wednesday for sure three nights a week there would be an activity in the evenings The pharmacists would be having a reception or the dentists are having a reception or stockbrokers or restaurateurs I mean every night there was some kind of reception two or three receptions

So I would go to those receptions because I thought I had to Later I learned that I didn t really need to go But I went and I actually spent time talking to the legislators I didn t talk to the pharmacists or the other people I talked to the legislators And so it gave me a chance to talk about the bills and about things And so I got to know them on a sort of professional level not a personal level And we had fifty seven Democrats and it only took fifty it takes forty one to pass a normal bill and it takes fifty four to pass a bill that has money in it So you can lose three members of your own party and still pass legislation so it was almost too easy [Laughter] It wasn t that difficult

So I got good advice which was you got to remember there s two houses here that it matters what you do in your house it s the other house that s also important So I always spent a lot of time and energy working in a professional way with the members of the senate I would go there talk to them go there when I didn t need to lobby them I would go and just have some kind of conversations about stuff and friendly ways and be around and not just there to ask for something all the time Some legislators would never ask another legislator for anything They always felt like they just didn t want to do that that somehow they were lowering themselves or if I ask you then you re going to ask me and pretty soon you d compromise yourself

And so I never really the first few years felt like I was apart from the process I mean I felt like I was again almost like when I went to the board of supervisors I was there to work as best I could but I wasn t it wasn t friendly confines [Laughter] And there was a lot to learn about the process and how things worked So it was definitely intellectually engaging and interesting but it never really had great feelings about the people And Leo McCarthy wasn t particularly a friend And Leo McCarthy never really had Democratic caucuses He had like three or four people who he would rely on like lieutenants And they would decide what was going to happen And he never really discussed it with a group unless there was a crisis then they d call everybody together and then tell them what he and his lieutenants had decided

Well when Proposition 13 came along Leo McCarthy the speakers decided that he was going to be the principal person to fight Proposition 13 and you may recall all the police all the schools all of the cities all the counties everybody cried murder Like if this passes it s going to be terrible it ll be the end of the world and we have to oppose it because if we don t terrible things will have to happen And so I actively opposed it In my area it lost two to one it didn t pass two to one as it did around the state But when it passed Leo McCarthy this was a big problem for him personally when it passed we had this caucus and it was a fairly long caucus And I felt very strongly and unfortunately there weren t too many that did I think that maybe one other or two people agreed with me But I really felt strongly like I said that if it passed and people want this to occur we shouldn t keep the money around to bail out local governments We should return the surplus money and make the cuts that people said they were going to have to

make if 13 passed Because that s what the voters wanted and they should feel the full impact of this rather than having the effects delayed

So Leo McCarthy said that I was foolish and that what I was suggesting was the wrong thing to do And people in the Democratic Caucus agreed with him But it was a very upsetting thing in terms of my relationship with people because I really felt strongly about that It was interesting recently I saw him I guess about a year and a half ago and unsolicited he came to me and said You were right I was wrong We should have done what you suggested about Prop 13 Because what happened of course is that nobody felt the impact and it just milked everything down for years and years and years and it never really hit the impact of Prop 13 I mean if you say the wolf is coming it should actually appear at the door right?

McGARRIGLE Did he explain in any way elaborate on that?

BATES On what his statement meant? Not really But he and I were bitterly enemies about that issue He and I have gotten to be friendlier when he left the legislature but he said I was wrong He had of course been out working against 13 and he lost horribly so it was a personal I mean he personally campaigned really hard against it and went all over the state So it was hard for him I mean coming to this group of colleagues and saying his strategy was wrong And you may or may not recall but there was a which I was opposed to the legislature put an issue on the ballot that was Proposition 8 which was sort of a watered down 13 It would have made minor changes but it wasn t a change as dramatic and so it was sort of scoffed at and lost badly and 13 won overwhelming It was like There they go again trying to give us half a loaf right? So people voted overwhelmingly for 13

So it was sort of like internal workings were such that he sort of selected as [Laughter] Willie Brown did a lot sort of selected me as somebody who s from Berkeley which means that you re on the fringe anyway In their definitions And somebody who is a radical from Berkeley who wants to give all the money back and have the impact hit well that s irresponsible on my part and it s much better to save people the pain rather than to have the impact hit So I don t know It s really hard to say It was like if I were to prevail maybe it would have been worse I don t know But at least there would have been some real impact people would have not felt it as they did twenty years later or fifteen ten years later [It] would have been dramatic and right there So that was a little bit of internal problems I had And then one of the problems I had was that I was from Berkeley It was like if you represent Berkeley you re automatically marginalized

Well you can do something like that in Berkeley That s fine but that doesn t work in you know in the Central Valley Madera I mean that s okay for Berkeley So it s always like your idea s at the margin And so it meant that I learned pretty quickly I was actually kind of surprised at that when I got there never really had that happen before But suddenly it was like you re marginalized just from the area that you came from And then there were certain expectations that you have to be on the pushing edge of things

So I then determined fairly early on that my role was to try to move the debate to the left so that the compromise could be more in the middle you know so it wouldn t just go to the right and there s no left So everything becomes from the middle to the right That there has to be some discussion So that s what I ended up spending my career trying to be whether I liked it or not was trying to push the issues that would move people in a certain direction And then interestingly when

we ve studied my legislation that it took usually about two or three years for ideas that we put forward And a lot of times the bills that we d put forward and ideas we d put forward would be successful and I would be successful in passing them but a lot of times other people would pick them up and would be in a position to pass legislation that I had worked on and basically somebody else came along and was able to take the ideas that we had and make them into a law

You know it was okay then I didn t have to be the person who did it all [Laughter] But it was always being on the point always being the person who was expected you know for better or worse to define how far you could go to the left and it was hard because when I would take the position to the left then people would be afraid that that may be you know too extreme

McGARRIGLE Yes

BATES Too extreme So my career was fighting for the pushing to the left and hoping for the middle Believe it or not

McGARRIGLE Let s stop here and follow up

BATES I m sorry

McGARRIGLE Not at all not at all

BATES I guess I got carried away

McGARRIGLE We ll make an appointment for next time

BATES Sure

[End Tape 8 Side B]

[End of Session]

[Session 5 May 10 2000]

[Begin Tape 9 Side A]

McGARRIGLE I wanted to follow up with a few things from last time One is that you said that you had met Loni Hancock and Ying Kelley in this spot where we re meeting and I didn t ask you what your impressions of them were

BATES [Laughter] My impressions of them they were two beautiful women Well I was sort of in awe of them because they were already on the city council and they were supposedly radicals and I didn t self define myself as a radical but when I met with them they were like I mean they didn t seem to me to be any different than anybody else I d known in the context of the way they presented themselves I don t know what you d expect to see in a radical I mean it s like things are going to come out of their mouth or you re going to be insulted or something

But it was the first time I really had any contact well I had had some contact with Loni before But I think that my impressions were that they were two really important political figures who I thought were I don t know what I thought that they were going to be too far to the left of me or something But it was like a very middle class home and middle class values and just the whole surroundings were very comfortable and I thought that they were very attractive women [Laughter]

And I had met Loni in 1971 when she ran for city council Ken Meade was the assembly member and I was supporting the radicals for the Berkeley City Council and Loni was one of those people running And she ran And what I did in the

campaign was really convince Ken Meade to I wasn t the only one but other people to support Loni and the slate that she was running on which was D Army Bailey and Ira Simmons and I believe the other person was Rick Brown And Loni and D Army Bailey and Ira Simmons were elected to the city council and Ken helped give the credibility to this group of people who had never really won any elections up until that time And Loni had the philosophy that she had run in 69 and the people that she was running with they never thought they d ever win They just thought Well it s like you run and [Laughter] You know But they had a real campaign and they were elected

And then after she was elected she didn t have any money for an office I actually really liked her politics and liked her as person a lot so Ken Meade actually through my efforts convinced Ken to use some extra money he had to rent a district office for Loni because she didn t have a district office at all she would not have one I guess they didn t have any offices for the city council members at City Hall at that time So she opened an office on Telegraph and I believe Channing Way and Ken paid the rent for her So the friendship started at that point But I really didn t have much contact between then and when I ran for the board of supervisors in 72 and I never really saw her I mean never really worked with her on any issues particularly

So when I came to her home with Ying they really didn t know me I mean they didn t know who I was or what I was about Even though I had been in office we really hadn t worked that closely together on anything But it was a very very important endorsement because as I mentioned before it identified me immediately with a group of politics and that translated for some people to mean someone they should automatically support And we didn t have to do anything

else That was it That was good enough for them I don t know if today if politicians have that kind of credibility I don t know if there are any politicians whose support is considered to be that pivotal I mean where people just have faith in that person Ron Dellums was more of a stronger figure than Loni in terms of visibility and respect and his endorsement because he was the congressman at that point And we re talking to pollsters and other people who run campaigns a fellow who has run hundreds and hundreds of campaigns Richie Ross He one time had said to me that their polling showed that Ron Dellums endorsement was good for something like seven points

His endorsement was worth 7 percent of the vote which is pretty significant Normally if you get a politician s endorsement it s an important factor but it s not necessarily going to cause people to change their minds But Dellums was one of those people who people had enough faith in him and his opinions that they would support people on that basis And Loni was in that same category to a lesser degree but the same category It was a very important endorsement

McGARRIGLE And that relationship where you through Ken Meade s office where you supported her location did that last for a while?

BATES She had that location I think the whole time at least for the four years between 71 and 76 And by 76 when I was elected we never supported it any longer So I don t know how she did it after that I should ask her [Laughter] I don t know how she did that

It was interesting because when she ran for office she ran with a group of people She ran as a nominee of the Berkeley Citizens Action And as a nominee she never raised any money at all She never called people and never asked for money Basically the organization raised the money They had fundraisers and

other things which she would appear at but it was unlike any other politician I've ever known She never really had to ask for money Everybody one of the things that they say as a candidate you need to do is you need to raise money you need to raise volunteers and you need to get votes in other words to campaign and meet people But clearly the main criteria [Laughter] is raising money But she never raised money So when she actually had this office and talking to her later about it she never realized actually that Ken Meade was paying for this office I don't know who she thought was paying for it But she didn't realize that he was actually paying for the office out of his campaign funds

McGARRIGLE Wouldn't that have been out of campaign ?

BATES Out of campaign funds

McGARRIGLE Wow

BATES It wasn't that much I think it was somewhere in the neighborhood of seventy five dollars a month or something It wasn't a huge staggering amount But I don't think she'd ever realized who was paying for it that we were actually paying for it So actually she was elected We had met in 71 but we never really and then I was elected and since my district didn't include Berkeley when I ran for the board of supervisors I never really had contact with her And then when I was on the board of supervisors the connections between the city and the county are really not that close They don't come in contact that often unless you go to a political event And she really didn't go to political events Her focus was on Berkeley I didn't represent Berkeley and the events she went to I didn't go to So not until I got reapportioned into Berkeley did we have any real contact

And then when I ran for the state legislature the state assembly in 76 we really didn't know each other She was right that she had a good reason to kick her

friend under the table when she immediately supported [Laughter] me And the other part of it that was unusual was that they were part of an organization the Berkeley Citizens Action the BCA And generally speaking that whole organization would endorse they would have a convention and when Loni was running for the various local offices five or seven hundred people would show up at these conventions and then they would have nomination speeches and people would vote and they would select their candidates based on the group and then once the group had selected a candidate then obviously the members of that group had some obligation to support that candidate

So here they had never met as a group or anything so I have a great debt to Ying Kelley [Laughter] because she supported me without the group And so then when I went to the group I already had major leaders in the group supporting me So it was relatively easy to get their support Plus the candidates that were running for the state assembly were such that I was clearly other than Barbara McNab who was a woman teacher but didn t really have any ties to the Berkeley Citizens Action I was probably the closest philosophically to the group too I don t know Barbara and I probably were close to the same But that support made a big difference in terms of with Dellums and with their committee It s sort of like a domino theory Once you get one then it s easier to get the next and so on So it was very helpful to me

And running as a supervisor I of course had a very good ballot designation because it would show that I had been elected and had served I was fortunate as I mentioned to you before that when I was on the board of supervisors we did have revenue sharing money that came from the federal government so we were able to fund all of these community based groups So I had very good contact with

community organizations as well as having some contact with regular Democratic clubs and other kinds of normal Democratic political electoral people I knew those And then I also brought in all these other people who weren t really part of the process as far as electoral politics goes So I was a very formidable candidate because of that support

McGARRIGLE Had Ying Kelley been following you on the board of supervisors do you think that she came out unequivocally in favor of you?

BATES I don t know what [Laughter] I doubt it I doubt it You know what happens a lot of times it s really true in politics is if you ask somebody personally most politicians want to say yes They just hate to say no I mean it s maybe it s a part of their personality or something the traits the characteristics Very few will say no I mean what happens more often people will say I have to think about it or I ll get back to you but generally speaking people want to say yes

So when asked the response generally speaking is If you take the time to meet with them sit down with them they ll meet with you I mean why are they meeting with you? Well they have to know going into the meeting that you are going to talk about issues and at some point I m going to ask for their support so they have to do some thought about how they re going to handle that It d be interesting You might want to talk to Ying why she did that [Laughter]

But at that time I think it s accurate to say that I don t think it was a well thought out position on her part I mean I don t think she had given a lot of thought to it It was like we had a really good meeting and when they asked me questions about issues and I was fine or met their tests that they had in terms of their questions it wasn t just like having tea and talking about the weather I mean they were asking me about rent control they were asking me about Berkeley politics

She evidently was satisfied with my answers to the extent that she felt she could declare Loni I think would have preferred to have gone to the larger organization and had more discussions and been more deliberative about it And she is as a person a very deliberative person She doesn t like impromptu surprises She likes to think out things in advance before she decides on things and likes to weigh everything But she may have I mean I don t know exactly what was in her mind but I think that it s possible I know from talking to her in the past that she was surprised that Ying endorsed me and she felt like she had no choice but to say yes Her colleagues say I m for you then what is she going to say? Well I have to think about it? [Laughter]

McGARRIGLE And the die was cast [Laughter]

BATES Right

McGARRIGLE I wanted to ask you one other thing which is just a follow up question You mentioned that on the way to your swearing in that your father s car had the flat tire But I wanted to ask you more about what that day was like You got through that averted that That was a very dangerous situation and then the rest of your ride to Sacramento and what that day was like your first day

BATES Well of course after it occurred it just brought home how fragile life really is and how things can easily change so rapidly I mean I could have lost both my parents and both my children in a matter of a few seconds So it was very sobering in the sense of the responsibility about being here and being in the planet and your life and what you re going to do with it So it was an important sort of reminder of these facts And then when I got to Sacramento I had missed the Democratic caucus little did I know at the time the most important vote that I probably would have ever cast was the vote for the speaker

Well Leo McCarthy was elected overwhelmingly There were fifty seven Democrats so it wasn t exactly a contested election where my vote really would have made a difference But I did miss that vote But people certainly understood that I wasn t going to be there And then my parents when I d ran for the board of supervisors and had gotten elected they were proud of me but it wasn t really a real thing for them I mean it wasn t like a career or anything And then when I decided to run for the state assembly my parents really had reservations about me doing this because I had in the past of course worked in real estate and real estate development and my father always thought that I was going to be exceedingly successful in this field in the real estate development field and real estate So he always I think wanted me to return to that field he was in sales and he always thought of me as being somebody who would be really exceptionally good at it

So even though they didn t really say it they really had reservations about me spending my time and energy and the supervisor s job didn t pay very much When I was elected to the assembly I believe it paid $32 000 which was not much by today s standards but this is in 1977 so I mean that was a considerable amount I mean you certainly could live on that And with the per diem that I got it was certainly a livable amount But they had reservations I think when they went there and saw Sacramento and saw sort of the pomp and circumstance and the people being sworn in it elevated the idea that it was really a pretty important job [Laughter] and that it was something that they were proud of So it was nice to have that you know share that with them

And then actually the day I was sworn in we had this incident and a reporter for the *San Francisco Examiner* gosh—Gale did actually an article about my first day which I should sort of dig out I want to say Montgomery but that s not

right [there is a Gale Montgomery] But a reporter for the *Examiner* it appeared the next day about my experiences When I got there of course since the Democrats had control of the assembly they had the speaker The speaker assigns all of the rooms and things And so I was given a really terrible office which I didn t really realize at the time because I was so happy It was interior had no windows had this tiny little area for a secretary and then one large office But it was just so exciting to be there that it didn t matter where I was I mean it could be in a closet That wasn t important to me I mean what was important was the work and the substance of what I was trying to do So I always figured that

And then the other issue that I had to deal with was that Ken Meade who was my friend and who I was associated with because people knew I had run his campaign and [had] worked for him So they were looking to see how I was going to be like Ken or what I was they assumed I was going to be his clone or something Actually Ken I believe this is really terrible I believe did endorse me for the seat his seat but you know I m not positive I think he was so burned out that he didn t do anything So they didn t realize where he was and where I was But one of the things he had done is that he had refused to wear a tie in the state senate He dressed really casually So when he went to the state senate he didn t have a tie so they passed a law or excuse me a rule not a law a rule that said you couldn t enter the senate floor unless you had a tie

McGARRIGLE It was obviously before there were women in the state senate [Laughter]

BATES That s right There were no women That s right that s right They did come when I was there But I mean if you were a man you had to wear a tie And so I had to decide because I had dressed really very casually too as a board of supervisor member and my lifestyle was very casual I mean I didn t wear ties but I figured

that it was more important to if I was going to insult them I would try to do it on the basis of not style but on substance And so the question was whether I was going to wear a tie And I of course did What was funny is that what I had [Laughter] In the assembly I didn t wear a tie particularly I wore it occasionally to the floor but other times I didn t wear a tie So Maggie her name was Sandera at that time went out and bought a coat a corduroy coat and a tie that was sort of like a bland gray tie that we just kept in the office so that I could wear with anything [Laughter] So if I ever went to the senate I would go up and put on my corduroy coat it was like a rather inexpensive corduroy coat and my tie

McGARRIGLE And did that get comments rather than a coordinated suit

BATES No Actually the tie would go with anything and the coat would sort of fit with anything too So suit up go over to the senate put on my outfit And then occasionally when I knew I was going to go there I would bring it you know dress properly that day that I knew but of course what happened is that legislation starts in the assembly and then at some point in the process it all moves to the senate So you have to be ready to wear the tie at almost any moment because a committee might meet or somebody might want to meet you and stuff like that And I think it was important I mean I didn t want to I used to joke and say that they passed this law that we had to wear a tie and I was going to pass a law or excuse me I shouldn t say a law or passed a resolution saying that a rule that you couldn t come on the senate floor without a tie And I was going to pass a rule in the assembly that said you couldn t come to the assembly floor with white shoes and a white belt [Laughter] They used to call the assembly members were called the acutes and the senate was the chronics They re all asleep over there and we were all acting out [Laughter]

McGARRIGLE And so the assembly didn t pass the same rule as the senate did?

BATES No we never had that rule But a lot of people it was sort of interesting A lot of people really respected the institution and it was like you are not honoring the traditions and you re not so the more I was there the more I wore ties I mean it wasn t I didn t feel compromised wearing a tie and it was just a lot of people felt this was important particularly older people that had been there for a while felt like the institution was really important and that by showing up without a tie you re saying somehow or other you re spitting in the face of people or whatever So I tried to honor that because particularly as I was there longer

But when I met my colleagues I didn t realize at the time or appreciate at the time how incredibly talented the people were there in the legislature and how important the relationships were going to be over time The people there became congresspeople they ran for governor they were people who went on to make lots of money and became business tycoons and people who were really genuinely wonderful people there were some crooks the people that you get to know that are shady and you have real doubts about them There were some incredible orators people who give these speeches and just really have everybody paying incredible attention

Willie Brown was somebody who was a remarkable leader At one point when he became the speaker he became like a Mafia don in some ways I mean he had so much power and control over people It was like the last Mafia [Laughter] I felt like a got a Ph D in leadership from Willie Brown

McGARRIGLE What were some of the more specific attributes components of that power and that style?

BATES Of Willie Brown?

McGARRIGLE Yes

BATES This sort of fast forwards a little bit but let me just stay with this for a second When I first met Willie Brown he had of course Leo McCarthy was solidly in charge and Willie Brown had challenged Leo McCarthy and had lost the speakership This was before I got there And so he was in a secondary position He was a chair of the Revenue and Tax Committee Willie Brown was which met on Monday afternoon And then I don t know that he served on he might have been assigned but did not serve on any other committee that I knew of So he would arrive on Monday morning when we would be in session and he would attend the floor session He would chair the Committee on Revenue and Taxation he would leave the assembly drive down to San Francisco and then return on Thursday and he would then appear at the session the assembly session on Thursday And then he would leave and come back on Monday

The implications of that were that the legislature has a rule that you get per diem if like on Thursday if you re in session on Thursday and you come back on Monday you can have three days when you re not in session and you still can get the per diem So if you showed up on Thursday you can get per diem for Thursday you get it for Friday you get it for Saturday you get it for Sunday you get it for Monday because you would show up for legislative session So he would show up two days a week but because of the rules he would get per diem for seven days a week He would get them for Monday through Thursday He would be qualified because he would have been there He was never there He was like AWOL

I mean I may be being overly harsh and maybe he attended but I don t believe he came on Tuesdays and Wednesdays to the legislature So he was basically

practicing law and building his law practice and these were later years when he had income of like $200 000 a year coming from outside income that he was making primarily representing developers in San Francisco and in the Bay Area So he was doing this it all came out a lot in his campaign about it all these clients and stuff That s the time when he actually built up his client load

I didn t really know him He would occasionally give a speech on the floor about issues and I had some bills that came to his committee and he ran his committee Willie Brown is when he ran his committee the Revenue and Tax Committee he knew the subject matter cold He knew of the bills he knew what he wanted and he pretty much dictated with the will of his personality and his intelligence and the way he talked in terms of the way he conducted himself He basically got everything just exactly as he wanted precisely The members of the committee would go right along with him In fact one of the things he did to hurt himself is that he was so smart and he was so quick with his wit that he would sometimes try to act funny And so he would put people down

And people you know obviously didn t like to be put down or be the brunt of a joke or something So some of that hurt him later And that s where actually but he was basically gone until he became speaker which didn t happen until 1980 he was elected speaker

McGARRIGLE Well that s a lot of years as a two day a week schedule

BATES Yes yes

McGARRIGLE And that either wasn t public or the public overlooked that or ?

BATES I don t know that it was public I never recall reading about it He just you know was gone And he had a district that allowed him to you know they re elected him pretty overwhelmingly And even in the times he was there he would he may

have shown up I may be unfair He may have had some bills that required him to be there on Wednesdays But generally speaking that s what he did And I remember speaking to him about it saying What s going on? He sort of just laughed about it But we always had sort of a strange relationship anyway

But there were people there like the person who I supported for speaker Howard Berman who s a congressman a guy by the name of [Meldon] Mel Levine who was elected who was also a congressman and ran for United States Senate and lost down the line He ran He was in Congress for a while A guy by the name of [Richard] Rick Lehman was elected to the Congress Ken Maddy ran for governor It was like I never really fully appreciated the people there and their abilities It s almost like living with Loni She s this incredible leader and it s just like it becomes an everyday person It s like you see the person and not step back and see them as these other people [Laughter] see them But it was a very incredible Lockyer was in this class Barry Keene was in this class was also a pretty distinguished legislator Charles Warren was there He was the chair of the Natural Resources Committee and Charles Warren just had this awesome reputation of being this giant in the environmental field And he was actually selected by [President Jimmy] Carter to go back to Washington D C to be a head of the environmental council that he put together

So it was like these people that you interact with and work with all the time and I wasn t in awe of them but it was like later I look back and say Wow! These are incredible people that were around As a freshman legislator it takes a while to actually get to know how the place operates how do bills nowadays when the legislators come in they now have opportunities for them to spend like

three or four days and they go to I think to UC Davis and they have an orientation They bring

[End Tape 9 Side A]

[Begin Tape 9 Side B]

BATES When the legislature starts they actually have classes where you can sit down and go over how you do a bill how the leg counsel works and how the process works and how to be a committee chair and what your responsibilities are on the committee So they actually have three or four days of orientation I think we may have had maybe an hour or two or something And I was like Whoa! All of a sudden here you are and all these things are happening and we had so many Democrats I mean it was not as if they needed you to be necessarily up to speed as long as you voted right you know? [Laughter] You didn t necessarily know what was really going on

So it was real hard to kind of understand what was going on and it was really lucky so fortunate to have these really gifted staff members with Lenny Goldberg and Maggie Shandera They were really smart fast learners And so when we were and we lived together so we talked about it all the time So I was fortunate to have these people so I was able to not be way behind right away But one of the wonderful parts about the job was that you know serving on the committees and things was all of these interesting issues that would come up and to try to gain knowledge and understanding of those issues so you could at least be as intelligent as possible on the issues Was a really wonderful exhilarating place to work and to be and still is

And then the use of time As a county supervisor I obviously had a pretty demanding schedule but it was nothing like this the pulls For instance it was not

uncommon to be serving on a committee where you re a committee member and expected to hear testimony and expected to vote on a bill based on that after the testimony has been concluded and also have a bill up in maybe two other committees So you have to be theoretically in three places at once And then during that time that you re supposed to be in three places at once there are people who are trying to negotiate about your bill because it s like human nature when things are the deadline s up and people want at the last minute they want to compromise or settle a case at the last second So people would want to negotiate aspects of the bill People with questions about the bill People to lobby about the bill who haven t decided how they re going to vote or you need to talk to about your bill that is up So you need to do this the same time the committee s meeting and the author of the bill wants you to vote for the bill that they ve just presented that you haven t heard the testimony on They want you to vote for them

And the opposition is there people you respect want to talk to you about why you shouldn t vote for the bill when you return to the committee And so it s just like you re just being pulled and running literally running between one place and the next It s like crazy And you learn to have a conversation it s hard to imagine but the conversation and the information has to be boiled down to like a sentence almost like a sound bite Like What s wrong with this bill? What s good bad? And you don t have time for a long lengthy explanation It s bad because it does this this and this It s good because it does this I mean it s like the other thing it gets so condensed And people when you move around the lobbyists for them to talk to you requires them either to make an appointment in your office and see you or see a staff member or see you when you re walking around

So conversations take place in the hall You re walking from your office to the committee and there ll be a lobbyist waiting for you to walk with you to the committee so they can talk to you And then when you go so you have all of these pressures and phone calls It was like when computers came in and voice mail there was a reluctance to give it out because all of sudden you have so many ways to communicate and you don t have time to communicate on any of them That was really a big lifestyle change All of sudden all these barrage of things happening and demands and decisions constantly making decisions I mean that was one of the things that when I left the legislature I was so happy about not having to decide whether I m for something or against something [Laughter] So you come home at night and What do you want to eat? [Laughter] It doesn t matter and don t make me decide

McGARRIGLE How did you find that process of having to think so analytically all the time about things in such concise terms?

BATES What happens rather quickly is you know who your friends are You start saying Oh who are my friends? Where am I and what do they say about this? And so it has great influence on you Particularly in a case where the district like mine where in some ways it s easy because I know that I m personally there are obviously all kinds of gray areas but I know that I m strongly in favor of the environmental concerns So I m not going to do anything that I feel will in any way jeopardize the environment I m also very interested in consumer affairs and consumer protection so I m not going to do anything in my judgment that s going to do something bad to consumers in any way possible I also know that I m interested in civil liberties I m interested in maintaining free speech free opportunities for people to assemble

What it does is it forces you to look at your core beliefs and then you go from that frame of reference I know that I m strongly in favor of organized labor To the extent that I can I want to support them to have an opportunity for people to organize and improve their quality of life If I run into a conflict between environment and say labor I would chose the environment I mean generally speaking I would chose the there might have been one or two rare exceptions And I know I m strongly in support of students and student activities because my district is that way I know that I m very very strong in support of women s rights and women s opportunities I m pro family children So pretty soon I have these belief systems and then there are people who one of the advantages of being there for a long period of time in the legislature is you develop people you trust because ultimately they say that and I certainly tried to model myself after this that your word was your bond

And so you were only as good as your word and your credibility was based on that And that got known I mean if somebody would tell you something and it would turn out not to be true you d never trust that person again and never take their advice about anything Or if they double crossed you They said they d do something and then switched or whatever without letting you know that that they were going to do it in advance It s like a cardinal rule that you don t do that So pretty soon you know that the Sierra Club you know that the League of Conservation Voters you know ACLU [American Civil Liberties Union] Pretty soon you have this group of people who you know you can trust generally speaking you re going to be on their side And then the question is hearing the arguments maybe there would be a question raised and it would be important to hear the other side of the argument So it s really fascinating to have that kind of

constant information and then trying to sort through it and try to figure out where you actually stand

But in my case because I didn t have the pressures to raise money that other people had to constantly continually raise money If you vote against an interest group all the time they re just not going to support you when you ask them come to your fundraiser or support your campaign Some people give money just because they want to have access They say Well you know you ll return my phone call or You ll listen to my lobbyist or whatever And they believe that As a practical matter I m sure that some people will look at the list of who called and then they have like ten minutes to return phone calls They ve got three calls and two people have given them money and one hasn t given them money probably they ll call the two people who have given them money first I mean just human nature People help you you help them right? Or at least people would want to do that

I didn t have those pressures I mean I just didn t have those pressures I didn t feel like I was threatened I can do what I wanted to do I could vote the way I wanted to vote and not feel compromised But people have to raise money They re constantly sweating all the time because if I vote no on this particular issue that means I ve alienated this group of people but I ve made this group of friends right? So it gets to be you know and I don t want to alienate them So they try to figure out compromises and amendments

And as I mentioned earlier I believe that as a class of people legislators don t want to say no to people so they d want to say yes they want to support so when you meet somebody the first thing they say to you around a bill and you re trying to convince somebody say Is there any opposition? And they want to hear No there s no opposition If there s opposition then they go Oh Well what s the

opposition? Tell me about the bill But if you say there s no opposition they ll vote for it Even though there may be no opposition because they haven t thought about the bill or haven t even focused on the bill or haven t read it right But if you say there s no opposition unless they hear opposition they are going to support you

So in my case with not having to raise money I didn t have to worry about the interest groups I could vote against the banks and for the savings and loans and then vote for the banks and against savings and loans I mean it didn t matter I could basically look at the issue and say This is what I think on this particular issue and you may not agree with me but this is where I am Where some people what would happen is that they end up being in a situation where and I was in this situation too where like when I served on a Labor Committee and there would be bills that would be coming up that would be pro working people labor would support the bill The opposition would be manufacturers or employers or whatever I mean I voted with the labor people

There was occasion when I thought that maybe I should vote with the employer But it would have to be a pretty strong case for me to switch because it s like Why am I alienating my friends unnecessarily? I mean if it s real important I would switch One of the things that happened was a group of people the lawyers they were involved with workers compensation They were supporters of mine and I supported them pretty much But I came up with my own ideas on workers compensation And they didn t like it and they were very angry at me It was like the end of our friendship when I had they wanted me to drop my ideas and I said No I m not going to do that The things I put forward the ideas haven t really come on the fore I think they re still valid good ideas [Laughter]

We had a session where we were in a budget impasse and we were in Sacramento a long time One of the issues was workers compensation was an issue that was around the legislature So I just got involved in it and just got interested in it and started thinking about it And so I came up with some ideas around the issue and they [trial lawyers] were really upset with me for doing this

McGARRIGLE In what way were your ideas in conflict with their preferences?

BATES Well the workers compensation system is pretty complicated the way you enter it and if you are entitled to workers compensation you re entitled to so much rehabilitation you re entitled to so much training It was a very complicated system So what I wanted to do was take all of the health benefits that a person already has insurance and then have it be able to just cover a person for their—whatever illness they had or whatever problem would be covered under their normal health insurance and workers comp so it d be an add on And then I had a [Tape interruption] situation The money gets very complicated So I had just a straight amount that you d be entitled to receive which was a percentage of what you got currently

So it took out all of the litigation and all of the hassle and then a certain amount of money would go towards that was earmarked to it may have been too low but it was a pretty large amount for education and rehab money that would be available So it was all cut and dry under the system I had the health insurance was covered the benefits were covered So it took out all of the litigation and all of the hassle that their work so they [the lawyers] basically benefit by the red tape and by the hearings and all this stuff so they didn t like my program at all And it hurt them as a profession But anytime you change something there s always winners and losers people who are currently doing the same system I mean

anytime you d want to make a change it hurts the people who are in place unless they come up with some change that s beneficial to them

A lot of trade organizations and professional groups are basically trying to keep people out of their profession trying to keep their own profession in a way that keeps it on a standard that is hard to enter You have to go through a lot of hoops to get in graduate degree to be able to prescribe certain medications And I was always more interested in having allied professions come in and other people would have a chance to do things like the nurse practitioners was a big issue physicians assistants Things like that that did open up but the doctors didn t want that to happen They wanted to keep things for themselves They didn t want physicians assistants license They didn t want to have nurse practitioners I m not necessarily just picking on them but it s true of almost every professional group psychologists psychiatrists and chiropractors They re always fighting Like the chiropractors wanted to be able to prescribe or something

I mean it s never discussed in the context of the legislation Never ever was I ever well only when I was a board of supervisors member did I ever have anybody try to bribe me or do anything like that or make reference to the fact that if I did someone a special favor that I would somehow or other benefit from a vote or whatever I was so very lucky to be in a district that allowed me to be myself not to have to compromise my beliefs And other than the rent control issue which was a troubling issue in terms of just the equities in looking at it was not an easy issue And I had to fight it you know as we talked about before [the] changes because of my district But by and large there was no real time when I felt I had to compromise my views to get reelected or to please people When I left the legislature at the end of the time I d been there for a long time I had long time

relationships with people and it s really hard I think when you ve known some people in opposition for a long time They ve asked you twenty times to vote for their bill and you get to know them and they say Can t you just do this one time for me? You ve never voted for anything in my bills ever You re going to be leaving Can t you just support me this one time? You just feel like a jerk They can t say it It s not ethical or it s not legal but they may have attended events and done things that are helpful on the campaign side

So it was hard at the end It was real hard at the end And I kept feeling like if I could just leave here with my integrity intact and not compromise my integrity and make it out of here without doing this So when I left I felt very good with the fact that I really hadn t compromised my values An example of that was when I was on the board of supervisors when people would have a dying mother of cancer and they just wanted to build another little unit in the back of their house to have their mother live there for another six months and people were saying No We re opposed to it because when the mother dies they re going to rent it out It s not a rental place And I am voting against it It s like it s really cold and you d rather say Sure I want to help you and

So when I took these positions so I had a rather rigid framework and I think I didn t want to be self righteous in my outlook Or have people view me that way And I tried not to be that way But you know coming from Berkeley it s like you re discounted because it s like coming from Mars or something And then voting very rigidly along the various philosophical framework lines that I ve drawn meant that some people didn t even bother to talk to me Why should we talk to him? He votes for the environment He s not going to vote for us or whatever So

in some ways it cuts down on the amount of contacts and volume of people coming to see you [Laughter]

McGARRIGLE So it wasn t necessarily a negative?

BATES No

McGARRIGLE You were a known quantity?

BATES Yes yes

McGARRIGLE It still sounds like there was a large degree collegiality

BATES Yes there is like a fraternity big fraternity everybody slapping everybody on their back and but you ve got to watch it because you learn pretty fast some people you just can not trust You know they ll say they ll do something and they won t do it Or when it gets right down to it they won t be there They used to have an expression [that] said that some legislators won t ask anybody for anything They won t ask because if I ask then I m in a position where if I ask you to support my bill then you ask me to support your bill and they supported yours then you ve almost become obligated It is against the law which I found out when I got there to trade votes I ll vote for your vote and you vote for mine And I never ever did that ever It s hard though Some people would say Well I m going to vote for you I ll give you a vote on your bill

So in any case I never did that and it was hard because some people did that I mean it s almost like you don t have to say Let s trade it s just You do it I do it and everybody gets along And so I didn t do that so that was a I don t know to what extent it went on with other people because it wasn t discussed I wasn t in the position to observe the trading of votes but generally speaking people knew where I was coming from Occasionally people would still ask me because they liked me and say Well would you give me a vote? And I d say Well I m sorry

I can t I would like to but I really can t And a lot of it had to do with my district you know I d say Well I really can t because people I [represent] my district would never understand

And what I learned from [Assemblyman later Congressman Phillip] Phil Burton and another advice that I got was to be effective you really need to know other people s districts So when you talk to somebody you can Phil Burton supposedly knew people s districts in the Congress like 435 seats or something He knew everybody s district He knew what was in them he knew what were the major manufacturers who were the power people what parks they needed what parks they didn t need And he knew it cold I didn t know it that well but I did get to know people s districts So you could ask somebody and say You can vote for this because your timber people the people that are timber activists really really like this bill and it s not going hurt you So the extent that you can talk from the framework of the person that you re trying to influence Some people as I mentioned just wouldn t ask anybody of anything In my case I was always asking

So I was always asking But generally speaking I always wanted to vote for people I would just hope that I could vote for somebody s bill [Laughter] Find me a bill I can vote for

McGARRIGLE When Leo McCarthy when you had your first office assignment and he was speaker at that point or that was the vote that day that made him speaker?

BATES He was voted by the Democratic caucus then the entire legislature voted for him

McGARRIGLE So I m wondering how you got that office assignment because it seemed like it would not

BATES He assigned them way in advance I mean you know he d looked at and again for some people it s really important It s really amazing to me that the fact they have a window or a rug or a lot of space And then they re really nice offices I mean there are some really gorgeous offices that have views of the capital park some that are not on the outside of the building but face inward and have views of the inside so you have light I was in the internal offices that have no outside light at all

McGARRIGLE Did you stay with that suite for your whole time there?

BATES No I stayed in that office for two years then I went to another office It was an inside office Then I went to another one that was inside I think I ve almost got to all the inside offices The way the speaker particularly when Willie Brown was speaker you d say I want a window an office with a window or I want a larger room for my staff I mean we re all cramped in here I need more space And in Willie Brown s case he would say Okay we ll build a wall or We ll cut a window I mean you know he would do all of that stuff Anytime you ask for anything I need another secretary he would bend over backwards to do all that stuff for you to be able to do that because you re building up debt that he can later collect saying Well I ve done all these things for you now I need your help

What I started to tell you I got off the track before about asking for votes The discretion that people I would never ask you for a vote unless I needed your help right? I mean if it was easy I wouldn t ask you If I had a slam dunk and it was going to be if I had the votes I wouldn t ask you to vote for us You don t ask unless you really need the help it s a critical issue

But in the case of the speakers around office space and thing[s] it was very important to some people how their office was the appointments of their office

whether or not they had a refrigerator or a place for the wine cabinet And a lot of times they d be happy with that That would be something that they would aspire to getting a really good office The work was also important but this was a major thing to them that they got a good office And if they didn t get a good office they would be angry about it And it was like spoiled children I used to think of the legislators as this is terrible people are going as sort of like well as I thought at the time were like physicians They were all like spoiled They got their way in everything We had our own elevators The public couldn t ride in the elevators They had staff they had sergeants

When I first went there they had something like ninety five sergeants and there were eighty members So they would drive you anyplace you wanted They would take laundry in and pick up laundry And I need a ride to the airport I need so like personal

McGARRIGLE And so sergeant like in valet ?

BATES Yes A personal valet

McGARRIGLE Paid for out of?

BATES Out of yes state money

McGARRIGLE [Laughter]

BATES Then it went way down it shrunk way down They had a huge budget and then over the years the initiatives and stuff which cut their budgets way way back Willie Brown still was able to juggle budgets and do things nobody even today knows how he did what he did But when I first got there it was like there are all these sergeants it was like anything you wanted night or day they could help you get I mean I never abused it I never asked them to take my laundry or make them mail deposit my check for me When people did that it was like personal

servants So they were treated in a way that and then they had this little collegiate club and then they were treated like little gods even though some of them didn t deserve to be treated that way People would pay great deference to their opinions listen to what they said It was like even their own private entrance great garage where they could park The public wasn t allowed to ride on their elevators They were sort of held in awe then they had these personal servants taking care of them I tried to avoid those sort of traps like that to get caught into that because Ken had done that And he had really fallen so I knew something about it

[End Tape 9 Side B]

[Begin Tape 10 Side A]

McGARRIGLE You had observed Ken Meade s experience

BATES Yes and what had happened to him So that was really good for me I was just trying to watch those aspects of you know not getting into those traps I don t know what I was thinking When I went there I didn t particularly think I was going to be elected necessarily to higher offices or anything you know that I wasn t going to be like climbing through the ranks Senator Petris was there and had been there for a number of years before I d gotten there He ended up being at the time he had the longest consecutive record of anyone in the state legislature I think it was something like thirty five years between the assembly and the state senate There was a guy Ralph Dills who ended up having more years but he was out of the legislature for a number of years Petris remained in there until term limits took him you know retired him So it wasn t like I was going to become a state senator any day soon

What happened was that Carter got elected the same time I did President Carter in 76 So he took office in 77 January 77 And there were rumors that

Ron Dellums who had been in Congress since 72 was going to be appointed an ambassador So we thought for a very short period of time that Dellums was going to be leaving and that I was going to be running for Congress So we were all excited about that And actually it was a rumor that got around that we d heard and so we started my staff particularly got really excited about it Maggie Shandera had been with Senator Cranston in Washington so she would have loved to have gone back and we were all jazzed up and I had done really well in the elections and so I was really a very formidable candidate

So we started looking to see if that was possible and started talking to some people And then Dellums did not want to be an ambassador And then his staff heard about this what we were doing and there was some it well actually took us a long time to sort of build back relationships What am I doing running for his seat and he s not vacating? [Laughter]

McGARRIGLE And was there any accuracy to that rumor?

BATES No

McGARRIGLE Even though he didn t want it? It was ?

BATES I don t know whether he didn t want it or it really wasn t possible It was like he was going to be in South Africa I mean and it made a lot of sense that he would do this but for whatever reason it was wrong But it was like all of a sudden you think Whoa you know this guy s really ambitious [Laughter] He s already planning to run for my seat

I really was interested in being a legislator and trying to pass laws and then along the line when about 1980 [Ronald] Reagan was elected president everything sort of swung to the right But at that time people were encouraging me and it was probably my own thought too to think about maybe running for

some statewide office But I couldn t run for Congress I couldn t run for the state senate these are my allies and friends And then maybe I should think about running for statewide office

And I was interested in it too It wasn t just you know because I didn t know at that time I thought, well maybe I d like to do that So Bruce Goddard [my staff member] and I went around and campaigned I don t know if you want to talk about this We met people and we went to southern California And there were a couple of things I think one is that I probably was naive in terms of I wasn t ready for prime time [Laughter] And second of all my voting record and the issues I d taken put me in such a position in terms of gaining support and money and backing I would have had support from a number of groups but it was not going to be anywhere near the kind of money and resources I d have to raise and I had alienated so many people around the issue I supported I was against the death penalty which the majority of Californians were in support of even in the 1980s I was for a woman s right to choose which was a fifty fifty issue at that point or maybe not even that

And I had voted against the oil companies And I d done a number of some business I mean it would have been really hard to run and raise the money necessary to run And so I woke up to the fact that that s not going to happen I mean I m not going to be able to run for a higher office per se

McGARRIGLE What was that like coming from southern California and then being typecast as this radical from Berkeley? [Laughter]

BATES Well actually what happened was when I got there I d say over the time that I was there I got more rather than getting more conservative I got more liberal more progressive And it was sort of expected of me to do these positions and I felt

very comfortable taking those positions So I actually sort of became what people expected me to be in some ways Not maybe to the extent that they thought but I always think I had a pretty healthy view of you know like I could stand off and say Well there s Tom Bates the political person and Tom Bates the person [Laughter] It s a blending of the two I think I had a good perspective So I never became a wild eyed radical per se But I still was able to espouse things and talk about them And the other thing that was interesting was that for me I guess more precisely to answer that question was that I found out sort of amazed me that I was a type of person that I learned that was very inventive and very creative and I never ever particularly thought of myself as being that and I also found out sort of learned as I was in the career that my ideas were ahead of the times

And I don t know why that was Maybe my relationships at Berkeley or you know the environment I came from who I was Or I was maybe more open to ideas that would come to me from other people And I had very creative people around me so that I really was that s what was amazing to me was to find that we were so creative in terms of doing things and then later these things would become law or they would become mainstream ideas or things that we did that seem like which should be the right thing to do were considered to be fringe or on the edge and then later would work into being the conventional wisdom

McGARRIGLE Could you just think of some examples of something that would have started out with the majority view as fringe and then becoming mainsteam?

BATES [Laughter] Well one of the things that we got involved with was the feminization of poverty in the early eighties The idea that women were living in poverty and that there was a great disparity between women [and men] not only the income

but also in terms of at the end of their lives when the man dies they end up in poverty And women were entering poverty at such high rates And we didn t coin the phrase feminization of poverty but it was very close So we were like right away we held hearings and started looking at this issue and studying this issue And then suddenly everybody was talking about it and it was a big issue and the word became and if we used to mention feminization of poverty people would roll their eyes and then it became in vogue

I did this community residential treatment system for the mentally ill which was a continuum of care that was put in place It really wouldn t be involved with much medication and would be in the community and would be a whole series of opportunities for people from being restricted to more opportunities to live more independently to gain job skills I passed that in the late seventies

It took years and years for the mental health community the counties to actually accept the ideas and recognize that what we put forward was the way to go And in talking to people who were in the field it was like ten years before that was accepted as the right way to go and so it ended up being accepted

And then I did the legislation around one of the more fun things the brew pubs We did brew pubs which nobody had ever heard of before And we thought of this idea saying you could make beer at restaurants and other places as long as you serve food And it s now about a four billion dollar industry that exists all over the U S

You know I did this program called the PIP program which is working with kids who are having trouble in school They were acting out or were withdrawn and connected them up with a friend a special friend And you know that was like maybe it wasn t so far ahead of the field but we put it in place The law

passed And I just saw recently where over 200 000 kids have gone through this program in California I did the legislation around the forced overtime It was like [Laughter] Whoa where did this idea come from?

McGARRIGLE Did the brew pub legislation prior to that legislation it wasn t possible to brew beer on the premises where you served it at the same time?

BATES Right Well what happened is that when Prohibition came along and then after Prohibition they tried to break up all of the liquor industries so you could make beer but you couldn t transport beer You couldn t be a wholesaler and you couldn t sell it So there had to be three entities And so when I first was elected I did a bill that allowed for people to brew beer at home home brew You couldn t make beer at home it was illegal from Prohibition And so we passed [the] law allowing people to make beer at home legalizing home brew And then Senator Cranston passed a federal law So [my whole law was] on the books for it only had relevance for like six months or something and then his took over the whole country

And then I had been in the service in Germany and really liked the beer over there and so I just thought that American beer was all flat and there were only three or four brands available So one of my staff members a guy by the name of Chris [Derth] and I got really interested in this So I put in a bill which would allow restaurants and other people to be able to make so much beer on site and sell it on site And when I put it in I thought This bill was going no place this is one of those great ideas [Laughter] that goes no place And what happened was the beer industry was opposed to it and I had a meeting with them in my office to try to get them to change [the] Miller Highlight and Anheuser Busch people So I

said to them Look it this is a niche market This is like designer beer This actually would be good for beer because it will bring in other kinds of products

And then George Deukmejian was the governor and I thought He ll never sign this bill I mean he vetoes everything I did so he ll veto this [Laughter] And lo and behold he signed it into law so it went into law I don t know why he did that He must have made a mistake that day [Laughter] He must have made a mistake that day What happened was there was one fellow who came to us from Hayward His name was Bill Owens And he started Buffalo Bill s and he was my witness He wanted to start one of these brew pubs And so he was my witness And then immediately a thing opened up in I believe in Sonoma or someplace It was the first brew pub And so they all just kind of looked at each other And then I said Well what I would be willing to do is put in an agreement that in order to do this you have to sell food You have to sell food In other words you have to have a restaurant aspect of it And with that they said okay They were going tobe neutral on the bill So they withdrew their opposition because they figured it could never really go anyplace that it would be in fact small entrepreneurs who would do it

And it just took off It was primarily individual operators When they tried to go to two or three locations you could do like maybe one or two But it was because of the business aspects of the restaurant was probably just as important as the brewing of beer A major component was the restaurant part So you had to serve good food as well as good beer And it just really took off It s like an industry that happened in California Then people took my legislation that we had passed in California and duplicated it all over the United States So it s all over the

United States this bill that I wrote in California that s been modified a little bit but not really And so now it s all over

The fun part about it is that when I had been in Germany they used to have these small breweries all over the place Well what happened I left Germany in 64 when I got out of the army and from 64 to about 1982 they had done away with most of those little breweries They had gone to more larger operations had taken over and the small breweries had kind of gone out of business And then today brew pubs have actually started in Germany You know the idea was basically my love for beer started there and then it happened in California and then it goes back to Germany [Laughter]

McGARRIGLE They probably come here to study what s happening in California then There s such a significant business in California

BATES Yes It s all the over the United States We have a lot of fun Loni and I go places and when we go to towns we go to the brew pubs I tried to convince people that they should give me either one of two things I said Either give me a card that allows me to drink beer for free until I reach the alcoholic limit or they should put my picture on the wall like Colonel Sanders like our founder [Laughter]

McGARRIGLE Do people generally understand these business people that you were behind this bill?

BATES No they No

McGARRIGLE Like Triple Rock and ?

BATES Oh yes People around here oh yes In fact the Triple Rock in Berkeley the people who own it are two brothers the Martin Brothers Yes they have been very supportive And people around California who know of my starting it know about it But you know Sonoma State now has a master s degree you can get in brew in

craft brewing And there are all these people who do it and it s a big business Actually some people have now figured out how to have a chain so that there are chains of them where they have five and six locations and things like that

Some of the big brewing companies like Anheuser Busch and Miller tried to go into this business and it was too labor intensive and too much management So for the most part it s been small entrepreneurs who have made this happen And I ve lost track but last year or two years ago three and half billion dollars of sales were involved in this all these people are employed because it s not just a small business you know in terms of you have to have cooks and waiters and people to do the beer and all this stuff

And then what has happened to complicate matters it diluted a little bit is that I did brew pubs which were restaurants and beer and then what s happened is that there are these small breweries that have opened up which are different But my legislation came first and then later people put in legislation to allow smaller breweries to take place So you have people who make beer who don t have restaurant components So there s a little bit of confusion People don t know there s a difference But those in the small 1 percent [Laughter] of the know so we have a lot a fun when we go to brew pubs I like wine too [Laughter] Germany was a big influence on my drinking Not that I drink beer all the time but we have a lot of fun

When I passed the home brew bill legalizing home brew I used to judge beer contests They used to have me come and judge home brew contests I only did that about three or four times but I m not a connoisseur [Laughter] I suppose I could become one but I just sort of know what I like and I m sure that other people will have a much better palate and a much better taste

McGARRIGLE Well one other nice aspect of the brew pubs which is more true in Europe than here is that it s a gathering place that it s not exclusively a drinking place And that you often see families in brew pubs they re having a meal and people socialize and there are not that many opportunities to do that

BATES Right Back to more innovative bills I did the Limited Equity Co op Bill which is a bill that allowed housing alternative to so that you could build a building and people would have ownership and it d be a cooperative so they would make decisions together And then the amount of the equity would be capped so that they would be entitled to make so much annually like say 8 percent appreciation of their assets so at the end of a period of time when they sold it it would remain low It wouldn t go up in the inflationary curve So that was an idea that was pretty successful particularly for people who were involved with public housing And funding was there were people who did nothing but limited equity co ops and they were all over the state So that was kind of fun thing to do

I did a bill it was sort of the end of my career that dealt with transit villages which was a concept that really wasn t in vogue at that point The idea was to build cluster housing and other kind of services around public transportation so that you d have communities where you really wouldn t need cars and you d be able to walk to public transportation And the idea was to try to get ten to twelve thousand people living within a quarter of a mile Like the City and County of San Francisco has now a transit first policy which is very similar to what I tried to do

McGARRIGLE Did you study for example European cities that were organized that way?

BATES I didn t really You know the idea was just so obvious I mean if there s a certain volume of people you need to have a grocery store you need to have the laundry a cleaners You know and so why do you need a car? Well you need a car to be

able to go to shop and do other things And obviously [there s] a freedom factor with a car To the extent that you could try to get away from the car and have services available was something that made sense And so there are communities that have done this and had done it before I had done it What I did was try to make it happen here Toronto has a done a really good job Toronto [Ontario] Canada Montreal [Quebec Canada] to a certain extent has done that where they ve brought their subway systems and then rather than what we ve done in the East Bay around BART was when BART brought in their stations a lot of times the zoning was down zoned so that you couldn t actually build high rise you had to build single family homes Just the opposite happened elsewhere They said No no Here comes the station And everything now must be high rise much more intense land use to do that

I was one of the four people who was at the forefront of second units allowing to legalize second units in homes mother in law units inside the home and in small detached buildings which was very controversial at the time It didn t seem like it should be but it was controversial because people didn t want to be told they had to approve second units It basically preempted local zoning and allowed people to do that I did legislation that dealt with firebars This was caused by tragedy but when people were in their homes they couldn t get out of their homes because of those bars that were put on their windows to stop burglars from coming in

I did laws that required at the time of sale that firebars could be opened Couldn t be trapped in the house Out of the fire the 91 fire that we had in the Berkeley/Oakland hills I was involved with the formation of what was called the Emergency Forum Fire Emergency Forum which was a bringing together of all the fire departments to really look at how to deal with fires We have things called

Diablo winds which are days that are really hot and humid and the wind blows from the east to the west What we know is when those happen there s a major potential fire problem

We went through all kinds of different red flag days there are dangerous days that are special alerts Then I did legislation out of this which give the local jurisdictions the power to police homes and to cite certain vegetation problems (overgrowth) and required certain types of roof compositions You couldn t have wood shingled roofs It gave them the power to enforce vegetation management on private property And it was again after a tragedy so I was able to move it through the legislature And it s had an impact on the urban fringe We designed areas that were high fire frequency zones which have been shown to be where there s a problem and then makes people deal with the fire problems

McGARRIGLE Is there enough of the overriding body that governs the fire safety issues?

BATES Actually it s a I need to go back to the legislature now [Laughter] No what s happened is that it s up to each local jurisdiction so enforcement isn t uniform

McGARRIGLE And then the agencies that you brought together to do that preventive planning that would be local fire departments?

BATES Yes this is primarily in the East Bay I ve also become active with them again recently It now goes from El Cerrito Kensington Berkeley the University of California which has land Oakland and I believe East Bay Regional Park District Lawrence Berkeley Laboratory and the East Bay Municipal Water District They all have fire departments In fact this is an ongoing issue We re still studying and trying to figure out how to get firebreaks in the hills It s something I m working on now actually This Saturday I m chairing a meeting of the fire chiefs and the local people about the vegetation management So this is taking me

into this whole field of vegetation management which I never knew I would become interested or an expert in But so there s been just a whole range of really great ideas and bills that we ve done that we re a little ahead of the time You know it later became law

I did motor voter which is when you get your driver s license or get your motor vehicle registration you can automatically by filling out a very simple form become registered to vote I introduced it Had it vetoed a number of times by Deukmejian Finally got it passed at the federal level and it became federal law

McGARRIGLE Vetoed because the fear was

BATES They didn t want people to register

McGARRIGLE they didn t want maybe younger people too no? Anybody

BATES It was very interesting You know it s not clear why You know their fears are irrational When you re elected and you re elected by a certain set of rules you re comfortable with those rules obviously And when you make changes there is an uncertainty Why would you want to change when things are working out just fine the way they are for you from your own personal point of view? The polls and everything showed us that people who were not registered tended to vote in the same ways that people who are registered I never believed that I always thought they were going to be more liberal and more left wing But the polling data refutes that So it basically opens up a new category of voters that would people who have not participated in the past And for whatever reason the Republicans were concerned how they would vote I mean maybe their polling data was different than ours that they would not be supporters of theirs

So they just didn t there is a lot of strategies of people who run for election One of the strategies is to get people to turn out to vote and then an opposite

strategy is to get people not to vote You know the more negative the campaign the more people say The hell with all of them I m not going to bother to vote So there are definite strategies to get people not to vote If you don t have them registered you know you have to worry about that Ken Meade had this theory when we were first elected that he was joking around but which was that the tunnel that separates Oakland and Berkeley from Orinda Moraga and Lafayette Orinda and Moraga and Lafayette were part of his district so what he told me he wanted me to do on the election day was to have a truck blow up inside in the tunnel so those people could never get home to vote [Laughter] And that would make the difference in the election

McGARRIGLE And he won without the truck in the tunnel?

BATES [Laughter] Right right

[End of Tape 10 Side A]

[End of Session]

[Session 6 May 17 2000]

[Begin Tape 11 Side A]

McGARRIGLE We re talking about many of the innovative programs that came out of Berkeley and then were adopted in a larger scheme

BATES Yes Berkeley is sort of yes if you d really look at Berkeley it s really an incredible place in terms of things really starting here You know at one point I went through and I came up with something like I don t know thirty different ideas that have actually emanated in Berkeley and had gone all over the nation My wife Loni Hancock was involved with the first time ever having sections of restaurants set aside for nonsmokers It was like thought of as anti American or something to have the sections set aside for nonsmoking Curb cuts in streets so the disabled people and elderly people who have problems walking could be able to easily navigate curbs happened in Berkeley

The disabled movement by and large started with Ed Roberts who was a student who came to the University of California And I believe you have an oral history about him He was a wonderful wonderful role model Sort of the Gandhi of the disabled movement But he was able to have access for students into places that they ve never had before He was living in Cowell Hospital in an iron lung and going to school at Berkeley And he and others Judy Heumann and Phil Draper and a whole range of people started the Center for Independent Living which was an idea that disabled people could operate their own program and could be in

control of their own programs so they wouldn t have a board of directors who was other than themselves There was really a self help self empowering program for employment housing fixing wheelchairs working for the blind doing a range of things That whole movement really got started in Berkeley

The idea of traffic diverters may not have started in Berkeley but this is where of course in the streets Some people call them diverters meaning you can t drive through the street or other people who don t like them call them barriers [Laughter] So you can immediately tell whether people like barriers or diverters But Berkeley is a city that s laid out in a grid and so the streets are straight and long and as a consequence being a university community and having a lot young people people would drive very rapidly through these streets and they wouldn t be inhibited in any way

And so it made the neighborhoods really difficult for kids to play out in the streets and have activities and just have a quiet neighborhood because there were cars roaring through there So the citizens came up with an idea of placing obstacles diverters in the way of the streets so that it would discourage people from going through neighborhoods and try to reroute the traffic to the main streets And what happened around that issue was that somebody sued the city saying it was inhibiting their right to passage through the streets and the case made it all the way up to the [California] state supreme court And the state supreme court— [Chief Justice] Rose Bird court ruled that in fact they were illegal that there was no authority for cities to put up these diverters in the streets So people came running to me

Now this is an issue that s like it s a very controversial issue I mean obviously if you live on a street that has a diverter and no longer has cars roaring

through your neighborhood you love it But if you happen to live on a street where the cars have been rerouted to you hate it So it s like the Hatfields and the McCoys depending upon where you are and where you happen to live So I put in a piece of legislation to make them legal and it was not doing too well In fact it looked like it was going to lose because in the state of California particularly in the legislature well I shouldn t say the state but particularly in the legislature there s a lot of anti Berkeley feeling There s a lot of feeling like These people live in a different world and they somehow or other think that they re better than the rest of us and they ve got this great world class university and they have all this stuff going so whenever we can put them down or whenever we can do something to them to make life miserable or I don t know what the motivations jealousy whether it s anger based on some kind of snobbery that they perceive that Berkeley has which I don t think really exists by the way

But in any case it was very hard The legislators had no sympathy for this at all And then we suddenly realized that this ruling not only applied to Berkeley but applied obviously to every city and county in California Well it turns out that there were all kinds of obstacles that had been placed in the way of streets trees in some communities Other communities had erected other kinds of diverters So suddenly we went to League of Cities and said Look it this just isn t Berkeley this is Palo Alto this is Los Altos this is all of these cities And so suddenly the cities realized that they were all because of the way the ruling came down that they were out of compliance too or could be out of compliance And then it would have been a big problem to take everything out and reconstruct it so it would be a huge cost

So then the attitude changed and the bill went right through and got signed into law And then when I was running for re election and I walked precincts it was always an issue I never really brought out that I was the person who legalized the diverters Some people would be happy about that and other people would be extremely unhappy So it s better to let sleeping dogs lie

McGARRIGLE Did the legislation allow what was in place to remain but it was still forbidden to create new ?

BATES It actually allowed what was there to remain and it went to say basically that cities could determine their own and counties could determine their own street traffic controls You know they could regulate it any way they wanted So that was what passed So now they have the clear authority to regulate traffic in any way manner that they chose to do so So that they can close streets open streets you know whatever put trees in the way Obviously a city when they do that potentially they do something that s not safe and if there s accident or a problem they could be sued and then they might reconsider But these particular barriers vary all the way from people have plants in them to redwood fences have been around them to a variety of innovative things But they all pretty much can be seen and you know I m not aware of any lawsuits that have ever been addressed to the issue of safety of Berkeley

McGARRIGLE And then what happened to the as far of the state supreme court ruling that wasn t in conflict with the legislation?

BATES The ruling said that the cities didn t have the power to establish diverters in the roads They didn t have the authority to do so So we just basically went through and said Now they have it

McGARRIGLE The state gave them ?

BATES Now they have it Now there s no problem anymore

McGARRIGLE Okay

BATES We gave them the

McGARRIGLE Now I understand

BATES the power to do that And also as I mentioned fortunately for us it wasn t just a Berkeley problem It was all over the state You know a lot of times just the way older streets were designed Sometimes there were beautiful trees there and so people put wraps around so you had to go around a tree Or sometimes cul de sacs and tracks could have well I guess that wouldn t really qualify but I mean it s almost that We found all kinds of examples fortunately for us that would and that was the key to a lot of the legislation was to try to figure out how this problem was decided It was one of two things you either have to say This problem is a local problem It doesn t affect you at all and you can vote for this because this only affects my constituents So don t worry

Now generally speaking that s the case If you go to people and say This only affects my district and this problem that I m addressing is not going to travel to your district So it s not like Well yes you re doing it in Berkeley now but this is going to be in my district next There s that one way to do it and the other way is to show that there s a widespread problem all over the state and so you get the support from a variety of legislators across the state preferably in key committee legislators so that they know the problem and people argue on behalf of changing the problem making corrections and that they would then support the legislation In Berkeley s case it was like as I was there longer I built up a lot of rapport with people and so it wasn t quite the Berkeley bashing But it would come up Certainly occasionally it would come up as a problem

But by and large what I found as a state legislator this is a little bit off where we started talking about but as a state legislator that I had a lot of power at the local level because by having the ability to make state laws that only affected my district as a consequence people would support me at the state level and you could do things at the local level that you could never really accomplish locally because of boundaries city boundaries or other kinds of difficulties

McGARRIGLE That you couldn t have accomplished had you not been at the state level?

BATES At the state level Right One of the things that happened that I was very fortunate then and I was just lucky You know a lot of things are luck But when we had these terrible money crunches in about 1992 the state was in just horrible financial condition and they were looking to take money from the cities and give it to the schools And they were moving money around and trying to balance the books Even today in 2000 the cities are still really complaining about this money that the legislature basically just took from them their property tax money and other money and took it back to the state and then gave it to the schools

So people were really angry In some cases they were ready to go up in arms about this And as I mentioned this is 1992 or so when it occurred and here in 2000 they re still fighting about this money They want this money back and Governor [Gray] Davis is proposing to give them back 250 million As I recall it was somewhere in the neighborhood of like two billion dollars was taken from cities And it was really uncomfortable [and] when I d come home at night and my wife was the mayor of the city of Berkeley and she would say How can you be taking my money? I m not going to serve you any dinner And I tried to explain that I wasn t the culprit for this that I didn t support it

But one of the things they were doing is they were looking at all the park districts around the state and they were taking money from the park districts So it was like late at night sort of the last time that the legislation before it was finally agreed they were working out the compromises and it was going to be voted on in the next couple of days it dawned on me that you always try to look for something that s unusual

Well it dawned on me that the East Bay Regional Park District was two counties It wasn t one county So I argued and fought and lobbied to make an exception for any park district that had two counties would not be included in the taking of money from the park district Now they were planning to take from the East Bay Regional Park District ten million dollars a year was going to go to help the state general fund and then it would be redistributed back to other agencies So there re only two park districts in all of California that had this I think the Mid peninsula Park District covers two counties and East Bay Regional Park District has Contra Costa and Alameda And so I was able to lobby and got that successfully in that in fact they would not be part of this taking of money So to date now in 2000 eight years later I m very active with the park district and I always remind them that I saved them eighty million dollars so far to date

McGARRIGLE And was there no end date to when this taking would cease?

BATES Right It was just

McGARRIGLE It was indefinite?

BATES It was just a restructuring of the taxes the way the taxes were distributed so that the state took it And it would take another change of state law to reimburse it And that s the issue where the cities want their money back They want the state to set up a definite ongoing fund to replace the money that they lost It was big big

problem for the cities But anyway this was kind of using this notion of what s special of trying to find something unusual about my district that would give us a break So it was lucky that I was there It was lucky that I was interested in that particular issue

Another thing that came up that was sort of fortuitous was that out of a bad thing a good thing happened I was very strongly in support of libraries and library bonds and to try to get more libraries built The voters approved a new construction of libraries in the state And I had lobbied really hard to get a new library in Albany Now Albany was part of part of my district but it was also part of the Alameda County library system It didn t have its own separate library But we myself and my staff talked to Albany and we worked out an arrangement so there would be a community center alongside the library So it really made it unique in that it was not just going to be funding a normal library but in addition the community was going to put together this wonderful community center That library was built

And then when the money was about to be there was a committee that was selected of legislators I always wanted to get on these committees that give away the money but I was unable to get on the committee It was just the people who were much more involved with libraries And the speaker made the selection So in any case I was not on the committee But since the fire had occurred in Oakland in the Oakland hills and they lost roughly 4 000 homes between Berkeley and Oakland I was able to go to the committee and convince them that they should give special consideration to Rockridge Library which was in North Oakland on College Avenue to help in somehow or other to show good faith to the people in

Oakland that we were supporting them in the rebuilding of their homes And they bought that argument And they got the money

You know it came to the Rockridge Library And the irony of course is that this library is a long [light laugh] ways away from that I mean it s you know you can stretch it it s close but it s certainly quite a ways from the people who were burned out of their homes But it was like finding an angle and trying to convince people that it would work

McGARRIGLE And in terms of the Albany Community Center and Library was that an idea that you presented to Albany?

BATES Albany actually had the idea You know the county wanted a library and Albany had wanted a library for years and years because they were in a very small building An exceedingly well used library by the way I haven t kept track over the years but at the time an incredible volume of people used this library tiny little library So there was a real need for that And then it just really just worked together The city said Yes We re interested in a community building And it just fell together And so the idea was to put them together I don t know that it was my idea per se In fact I think it probably wasn t But it really worked as an added inducement to try to get it to happen

McGARRIGLE That s a great space I used it a lot

BATES Oh good It s not open all the time Unfortunately Prop 13 keeps it closed a little bit but the community space is wonderful When I was involved with this founding and starting of the East Bay Public Safety Corridor we used to have our meetings at the Albany Community Recreation Center

McGARRIGLE It s very friendly space

BATES Yes

McGARRIGLE And you often see children in classes there and then going across because you don't even have to exit the building to go to the library

BATES Right right Just walk across the way Yes So that was fun

You know I'm trying to think of some more things that started in Berkeley Well obviously the Free Speech Movement was here and anti war movement was here A lot of people were involved in working to stop the war in Vietnam I mean this wasn't the only place but it was certainly a hotbed of protest against the war in Vietnam

The gay lesbian community has had a center here a mental health center here for years and years It was publicly funded So it's been a place of innovation It's been wonderful to have had the chance to represent a place like this

And I think I may have mentioned this but I sort of always considered myself as trying to put together convening was a big part of the job to get people together to think about a problem and then once I got people together my role was to help facilitate and to provide whatever ideas that I could to the group but then to take those ideas and bring those to the processes of the government so that we could actually make the government work So I was sort of like a conduit between the activism and the government and always viewed myself as [being in] that role as being that link and that bridge between the two

McGARRIGLE And how was that process contentious at times? I mean I can imagine a lot of different points of view about how ideas should be implemented

BATES Well you know it's interesting There certainly have been problems in terms of getting people contention about various issues and different points of view But I think because of the way it was convened that we didn't have it wasn't that way so much It was more like here's a problem Let's all get together and figure out

from our different points of views what we think should be done about the problem and how we might approach it And then I always tried to get people to think on a grand scale Like Okay well if we could do anything we wanted what would we do? And if we had all the resources we needed what would we construct? How would we approach this problem? And it really worked out to be a very special technique for me in terms of getting legislation together and having support groups

Later I think I might have been one of I may not have been the first legislator to do this but we started what we called roundtables and we used to convene people around an issue and bring in experts And that was one of the beauties about being a legislator is if you ask somebody to come generally speaking they ll come to a meeting and if you are fortunate enough to have staff and be able to draw upon staff It s one of the beauties of having been there for a long time you know where their resources are where you can tap people and where you can get good information And you also build up a history So you know people who ve done the work in the field and who s done good work We used to have these really wonderful roundtables And I would chair them We would have anywhere from they got to be quite large but anywhere from I d say a small one would be maybe four or five people to maybe as many as twenty five or thirty people would come It was really so successful in getting varying points of view

And we would bring in people who didn t agree with one another So we d have arguments about various things And then say Okay Well you guys disagree about this particular thing What could we do to meet your objections that both of you might like or what? And then at some point you might say Well you can t reconcile these points of view so we ll just make a decision that we re going to try

this one And of course one of the things about the legislative process is that once a piece of legislation is written then it has the opportunity to have public scrutiny And it s a real document where ideas are expressed And that it can go now particularly with internet and other things it can be widely circulated and widely commented on so that you don t have to get it right from the get go One of the real beauties of the legislative process is that there s all of the public input Where if you compare that to the initiative process where you draft an initiative and you may try to get input into the initiative but a lot of times there s things that people don t think about or problems they don t envision And because they don t really have the public scrutiny in the drafting and the writing of it a lot of times they re flawed

But having this process of roundtables and getting really good input getting a bill in print circulating it and then going through the process of the legislature going through the assembly and then being repeated in the senate you actually know where the problems are generally speaking and you know where you need to make changes Now the problem with the legislative process obviously it s very good to get points of views and input and you d probably end up with something that gets modified or amended to be not particularly radical but the legislature tends to flatten things out It doesn t make major changes It s much easier to make incremental change When I first went there I thought Well you know I did these bills like the forced overtime which were radical and major changes And usually they provide for a provision that says that at a vote of two thirds of the legislature or some cases they ll say three fourths of the legislature a really super majority to change it It can be modified but it s real hard for legislators to modify something that voters have approved because they ve just approved it But the legislative

process so anyway [with an initiative] you end up with something that gets crafted that doesn t have the scrutiny where a legislative bill has the opportunity for lots of different groups to intercede and talk about it along the way And unless there s a real rush to get something through the legislature you have at least a policy committee hearing and usually there s money involved so you have a fiscal committee hearing and then you have a debate on the floor Sometimes the debate is very superficial The legislature isn t the assembly is not a great deliberative body Occasionally there ll be opportunities and things will be discussed and people s minds will be changed but in my twenty years I changed my mind on the floor maybe ten times And after voting a thousand two thousand times each year times twenty years you just don t change your mind You come in with knowledge you ve been at hearings your friends have voted on and you know what the vote is with your friends So you have a pretty good idea of how you re going to vote plus you have heard from friendly lobbyists

And people said Well you d be smarter just to make a little change Just like instead of making everybody you know having you can t force people to work overtime Maybe you say only people in certain critical industries or something You know you just start chipping away and making small change And that s by and large what happens in Sacramento is that there s not occasionally there ll be a radical change but by and large it s small incremental changes

So that when you put together these roundtables go through this whole process what we were hoping for is we were hoping to reach a consensus early on before we even introduced the bill so that people ll say This is a bill that s been scrutinized by people in the field and then the hearings become and the various legislative debates become secondary And it s like they would come to the

committee I think I talked to you about this before The committee chair almost invariably says the first words out of their mouth Is there any opposition? So if you have been successful in removing opposition it passes very quickly without debate

I had this one bill the bill that was just a radical fundamentally changing bill which established the Community Residential Treatment System which was a mental health program which would take acutely mentally ill people and have them go into community settings which didn t have drugs as a major way to deal with problems but as a very secondary way It established a continuum of care so they would move through the system depending upon as they got better to hopefully being totally independent to being able to get jobs and transportation So this bill had a transportation employment component housing component a component that said that We re not going to use drugs Obviously in some cases you have to use drugs for restraining but it would be less utilized And would be in community residential settings

And what happened was we got the same thing It wasn t exactly a roundtable We brought together people in the field We discussed it We came up with ideas People agreed to it as a good idea and wanted to support it I introduced it and this wonderful there s another program that actually came out of Berkeley One of my wonderful witnesses was a fellow by the name of Steve Fields who successfully runs a program in San Francisco called the Progress Foundation which is a fabulous program that has implemented these ideas around the community residentials for thirty years He s been around for a long time and stuck with it and done really wonderful work

But anyway we would come to the committees and I would explain the bill the chairman would then say to the committee Is there any opposition? I would say No there s no opposition because there really wasn t any at that point and there d never really be any Steve would be my witness And I said I would like to call upon my witness Steve Fields to make a presentation And throughout the entire process the people said We don t think we need that and they voted for the bill without having any testimony from any of my witnesses So it was a joke of ours you know Steve was the best witness I ever had but he never had to say anything He never had to say a word

[End Tape 11 Side A]

[End of Session]

[Session 7 May 31 2000]

[Begin Tape 12 Side A]

McGARRIGLE But we re talking about how bills were assigned to specific staff people and also about the district office

BATES Well what would happen every year actually I would sit down and I would tell my staff that I m not going to do very many bills And we would sort of negotiate the number of bills that I was going to introduce Normally it was around twenty bills Sometimes it was more but probably never less But that was usually the figure say roughly around twenty And then each staff member would be asked to submit ideas that they had for legislative bills and then of course we d hear from constituents So we basically every year have a list of bill ideas and possible projects And I used to have statewide projects things that I was interested in seeing in the budget items that we were following very closely in the budget to make sure they didn t get dropped and then things we would want to put into the budget

So we d sit down every year and we d go over all of the bill ideas that were pending and then try to sort it down to maybe around twenty and then every bill would be assigned a staff member to work on the bill so that all my staff members had some active engagement in the legislative process And it was also important I think because in the district I tried to think about district bills and district ideas that needed to be attended to and then a district staff member would be assigned to

that legislation And so they wouldn t just be isolated in the district They would be coming back and forth to Sacramento I would come back to the district office usually I tried to come back on Thursday afternoons and I spent all day Friday in the district office and sometimes when my schedule allowed I would spend actually Monday mornings in my district office because the legislature wouldn t start up until around twelve o clock on Monday

So during those times I would spend time with the district staff talking about their legislation and then I would be available obviously by telephone to talk about it So we engaged as many of our staff members as possible So everybody had a sense that they were part of the team and they weren t just down in the district and just attending to district problems and constituent problems I tried to really emphasize in my office the notion of service and public service with all my employees that worked for me And I used to always tell people that the most important job was working with a constituent because that was a real service that you perform for a real person and that everybody who walked in the door we assumed was right We advocated on their behalf and then later if we found out that the information that they were telling us wasn t correct or really the agency or bureaucracy had a good point that maybe even more and we look at the equities it may even have been the correct one We always assume that they re right but you know if you work with constituents it s very draining and very difficult after a while

So I tried to enliven the job you know and tried to get them involved in looking at Sacramento and not just sort of having two offices the Sacramento office and the district office

McGARRIGLE It s draining in the sense that the demands are so high and the rewards are few and far between or ?

BATES But it s very demanding is what it is The other thing is that it s constant and people are always not just one person but there s always people coming in with problems and after a while you re dealing with other people s problems for so long and you sort of feel like you know I m sort of like Heal yourself' [light laugh] you know And so it s hard It s real hard I used to always think that when staff members left the office and went on to other jobs that I would find in their desk drawers these really difficult cases the ones they couldn t really solve and work on But I tried to emphasize the importance of that and then I also was available to talk about difficult cases and if they needed questions about how to handle a particular problem

I was very lucky When I first came into office there was a woman by the name of Sandy Turner who worked for Ken Meade as his district representative and did constituent casework And she came to work for me and she worked for me for a number of years about seven doing casework So we were really lucky She had built up this incredible list of people she could contact in various bureaucracies albeit the Bureau of Prisons or you know Caltrans [California Department of Transportation] So there was a whole network of people that they could call upon They knew which buttons to push to make move the bureaucracy forward

There was one woman in my district office her name was Judy De Vries and she did legislation from the district and also of course district staff work One of the parents at Albany Village was actually run over at the intersection where Albany Village comes into San Pablo [Avenue] So they went to Caltrans and tried

to get Caltrans to put in a signalized intersection there so that they can be able to go in and out with less problems with traffic And Judy worked on it really hard She really got into it I tried to help her too So what happened is Caltrans said that it would take about five years for them to install the light through their normal process and it cost money So we said No no that s not acceptable So then they said Well we ll take about two years And so we said No that s not acceptable We really put a lot of pressure on the local people and everything so we got it moved up to six months

So now whenever I go by that intersection I always jokingly tell my wife There s where I exercised great political muscle and moved up a signalized light up by a year

McGARRIGLE There re a lot of children who cross there

BATES There are children who cross there

McGARRIGLE So there should have been a light there And the person was killed who was hit by the car

BATES That person was killed there yes So that was I mean it s almost like the intersections you have to have so many accidents before they will consider doing something But we were really happy that we did and Judy was elated because Caltrans is one of those bureaucracies that is off by itself The legislature doesn t have a lot of influence over Caltrans because when I was on the legislature the legislature decided that they would take politics out of who got what roads and what improvements on roads and so they would establish a commission to oversee Caltrans This commission would then determine the priorities of what roads get done and you know really set the pace rather than having a legislature fight over

each district project It happened fairly early in my tenure in the legislature I imagine there was probably some real merit in doing that

But what that meant was that it sort of became out of bounds for the legislature They couldn t really influence Caltrans because their money came pretty regularly and the legislature really didn t have anything to say about where the projects were going to be placed We had lots and lots of dealings with Caltrans over the years They were our major customers [laughter] Everything from the widening of Interstate 80 which was a long project that they put in additional lanes and additional HOV lanes and all sorts of different configurations of all of the interchanges on Highway 80 And then also an intersection called the [Landvale?] Intersection which is where [Highway] 24 runs into the Warren Freeway Just after years and years practically twenty years we finally got that intersection finished It just got finished about a year or so ago where you can go from one freeway to the other freeway without having to go up and loop around and come back down a mile or go up a mile and come back down around It took all that time to get them to design it to get the money in the budget to move it forward And then actually the work itself probably took something like two years but all the rest of the time was trying to finagle everything and push things along to have it happen

And then an interesting thing about Caltrans as long as we re talking about Caltrans for a moment was that my wife was the mayor of Berkeley and Caltrans requires highway agreements with various cities before they can actually do work So that was a major point of issue which was that Berkeley and Emeryville wanted to have increased train service along the train corridor and did not particularly want to have the freeway widened because what they what my wife Loni Hancock claimed was that once you build the freeway by the time you build

it it will be up to capacity by the time you finish and rather than continue building more and more freeways it would be much better to try to establish alternative forms of transportation like rail like express bus lanes that could be used so that you could actually get people out of their cars

So there was a huge battle Caltrans figured out that I was married to the mayor of Berkeley and they would make all kinds of wild promises They d say things like We can make a change in the freeway right up until the day we started the construction It was like We re willing to negotiate right to the last until we break ground practically So they went round and round with Loni and finally Caltrans agreed to put in an HOV lane

McGARRIGLE And I m sorry HOV is?

BATES HOV is a high occupancy vehicle lane And it was to be twenty four hours a day and it was for three or more passengers in their automobile And then finally Berkeley agreed to this Loni didn t particularly want to do that but they really weren t prepared to do anything to increase the rail service or the bus service and that became obvious It was sort of like you know they were going to take them to court and they would do all these other things So finally they settled with the agreement that they d put in these HOV lanes high occupancy vehicle lanes

And so what happened is they put them in They put them in for twenty four hours and then after about I don t know maybe three months four months they said It s not working and then they reduced the hours to commute hours so it s now and just as she predicted it is now worse than it was before they started because of all of the development that has taken place upstream you know places like Fairfield and Vacaville and elsewhere Benicia and all these places So the freeway is just as bad as it ever was With Caltrans and other agencies my staff and

the district really worked hard to establish relationships to figure out who the power people were

And the great part about this job is that if you call a person in the state bureaucracy and say you re calling from an assembly member s office or a state senator s office they respond This is somebody important and they have some power or perceived power and so they then bend over backwards to help people So we worked really hard on the constituency case load and we would review it go over what s going on with the difficult cases And there were a lot of really hard luck stories that after a while it s very hard Like my daughter s in a mental hospital and we ve been there and she really is getting poor treatment Well it s real hard to evaluate some of these things

Sandy Turner who was working with me was very very interested in prisons and prisoners rights and making sure they had medical attention and particularly women in prison making sure that they could have an opportunity to be with their children to have visitation times and their whole relationship with their children And so we had a huge prison case load A prisoner can write to a legislator and the prison authorities can t open that mail so it would go directly to us so we d have communication with lots and lots of prisoners It was very hard you know very difficult Practically everyone who s in prison is innocent or was framed [light laugh] or something you know So it s real hard from their point of view I mean obviously there s another side to their story but you know it was hard

So finally when Sandy left I really had to figure out some ways of cutting back on that workload because it was really incredible the amount of cases that we were handling all over the state It wasn t just Vacaville or San Quentin they were getting them from Folsom and all over California

McGARRIGLE Did you have resolution? Did you see resolution to some of those issues?

BATES Yes we did actually It was very very heart rending Yes we did We helped people all the time and it was a really incredibly rewarding part of the job I would meet people who said I called your office and people really attended to my problem and took care of it for me From a politician s point of view what you want to do is you want to help people So that even if they don t agree with you philosophically if you ve done something for them they more than likely are going to think highly of you and hopefully will vote for you even though they don t agree with you on the death penalty or abortions or some other issue the fact that you were there for them when they needed it

So that was a very important part of not only my being in office but also it s a very strong incumbent advantage when you are running for reelection if you ve done a good job And I don t want to be critical of the other legislators in the area but my staff would always tell me that people would call other assembly members offices in the area and who lived in their areas like a lot of the criticisms around Assemblyman [Elihu] Harris when he was in office his office didn t attend to problems And later when other people they even criticized the congressman s office It s hard to say whether we re you know maybe how self aggrandizing it was

But the public would call us even though they didn t live in our district My policy was if they re in our area at all we d serve them if we can A lot of times what happens if you contact a legislator s office you ll get a letter saying if you write to them they ll answer by saying I m sending your letter to your representative who will look into it I mean that s pretty standard fare That s what happens You don t live in my district you know I m sorry but I m going to send it

to your representative They don t even say I m sorry they say I m sending it to your representative

Now it s true that we did that when I was like you know San Diego or Los Angeles or someplace like that But if it was right in the East Bay we just assumed that we would take care of anybody who called us from the East Bay And then the word goes out if you re effective and you can get things done for people You know after a while caseworkers hear about it social workers hear about it Well if you really want to get some results call Bates office and they ll help you A lot of times people in the bureaucracy will people really wanting to make it work like a social worker will come up against constraints and so it s hard for them to say Well you know do something radical But they could say Well some of your avenues are you could contact your legislator right and these are some people here and you could try them See whether they can help you So people did that Word kind of got out that we can help people

McGARRIGLE You had the same designated staff people a number of staff as every other legislator? I mean you didn t have more?

BATES Well what we had was we had a great advantage in that University of California was here you know located in my district And we made contact with the School of Social Work and we made contact with San Francisco State University and Hayward State University So we always had interns Sometimes we had as many as I don t know I guess probably as many as eight interns But we would have interns all the time And then we would have them helping with casework It was hard to just let them go because you d have to supervise them But they could do a lot of the legwork So we had a really special advantage in that regard that we did have them

For instance the phones are always ringing So somebody who answers the phone somebody who opens the mail means that one of my staff members is then freed up to do more constituent work or other work And then all of the interns we tried to have a bargain with them which was that we expected them to be professional and to help And we would give them guidance and we would try to make it a worthwhile experience We wouldn t attempt to just exploit them you know just have them answer the phone or something like that but to actually have a worthwhile experience and give them some kind of input in terms of how they re doing and give them some kind of supervision so that they would gain from that experience And then part of the bargain was that we would help them with future jobs if they worked with us that we would write letters of recommendation and help them with placements and other positions

By and large it was remarkable It was absolutely remarkable We had wonderful people go through the office as interns And people loved it and they would come back afterwards and want to volunteer again And we really did help them get jobs I mean it wasn t just lip service We would call people If we heard of jobs we would refer them to our interns or former interns We had just a really wonderful network of people who stayed in touch with us Some of the interns were well one guy started a company 1 800 Software He became a super millionaire And there were a whole range of lawyers and environmental workers and social workers So we really were fortunate in that regard

And a lot of the work we re doing was casework was social work So the School of Social Work at Berkeley would send us students and would do research for us Like we d say This is a big problem We re interested in the children of welfare recipients So that was a huge huge asset that we could call upon And

then maybe we could get somebody who s working on their doctorate or possibly a master s would do research and help us gain facts around various things to be able to help us with legislation So I would say that the people working in the legislature you know the working of a staff and being able to maximize the use of the people and have them feel rewarded and feel like it s a good experience and that they re valued that I was so fortunate over the years to have such good people I think there were only one or two people that didn t work out and it was very painful for me to have to fire somebody

But we were lucky that we got good people I had the attitude that I felt that the job the nature of the job there originally wasn t a great deal of upward mobility I mean you sort of reached the level of being the head of the district office and there s no real ladder after that You sort of plateau for wages at a certain level I always felt like it would be good to have some kind of turnover especially in the early years That it would be good to have people leave That it wasn t a bad thing That they should stay with me I felt no more than like five years and then at the end of that five years unless you re really an exceptional person a lot of times they just will have learned the job and know the job and that it would be better for them for their own personal growth to move on to another occupation So that was kind of a rule of thumb I had

There was only one exception and that was Dion Aroner who started with me in the board of supervisors and she stayed with me the whole time which was like twenty five years we were together But she was the only one who was there for at least in the early years I wanted people to turn over And then later when I realized my career was going to be over that I was going to be a legislator and I wasn t necessarily going to be running for any other offices because those offices

were all closed to me The state senate seat was represented by an old time friend Nicholas Petris and Ron Dellums was the congressman so he was there as long as he wanted to be in office And I had explored running for statewide office and really knew that coming from Berkeley and my politics being radical I m sort of on the cutting edge of the issues in the forefront of a lot of stuff that I was way far out in terms my ability to run statewide that I would be considered too radical I think

I was comfortable with that but I knew that then I was a legislator I ended up being a chair of a committee for a number of years so I had committee staff and they stayed for quite a while But my personal staff I tried to get some kind of movement in my staff particularly in the district to get people to

McGARRIGLE And did you do that by encouraging them to pursue other interests and abilities? What was the mechanism for the turnover?

BATES Well sometimes it was awkward but generally speaking after a few years I d say after about four years I would tell them I think you should look for another job You should think about doing some other occupation I mean this is wonderful and you re doing a great job here but it would be better for you to find something another access to get more mobility to get more pay One of my early employees a fellow by the name of Darren Fields Darren was a really wonderful guy and he was a really good worker and he was really enthusiastic And I would talk to him all the time Darren you need to find something Start looking So he went to work for the City of Albany and he s still there He s been the city manager for the City of Albany for a number of years

Lenny Goldberg who was with me it was the same thing He was working on my staff in Sacramento and after he sort of knew the ropes I think a lot of times

people need their own identity They re so identified as Bates s staff person and they re not seen as you know Lenny Goldberg a real person with their own strengths and weaknesses So I encouraged Lenny to also find something else that he d like to do And he s been an extremely successful lobbyist in Sacramento working for public interest clients primarily but he s very well thought of and highly regarded

You know Maggie Shandera was another early person Well also the same situation After a while it was It s probably a good idea for you to find something where you can have your own image and your own ego and destiny So she went into campaign management and now she has run probably a hundred campaigns she s been involved in She now works for the Democratic caucus as the number two person for what s called majority services which is to provide services for the Democratic members When the campaign season starts they also take time off and work in campaigns So she s sort of gotten institutionalized but she s really got an important job with the Democratic leadership in Sacramento

So the list goes on and on And those people wow I m really incredibly proud of all the people who ve been Rachel Richmond is the chief of staff for a woman Wilma Chan who s the chair of the Alameda County Board of Supervisors who I think will almost for sure will be elected to the state legislature and Rachel will go probably back to the legislature again [Wilma Chan was elected to the state assembly from District 16 in November 2002] So it s been wonderful to see these people develop In fact Rachel s pushing me to have a reunion party staff reunion party So I think we ll do that They all kind of get along There s only one or two people who don t get along But other than that and Bruce Goddard he s doing

really well got his master s degree now in administration So there s a whole really wonderful group of people

So it s like my father always used to say to me The mark of a good leader is somebody who can pick good people to work with and somebody who can actually delegate and also can have strong people around them and not be threatened by them And that actually I think is what happened in my case I always had these really strong personalities and people with definite ideas and coming from a definite point of view and framework And some people had trouble with that but I never had a problem with that In fact I always looked for people who wanted to do something who had some kind of cause some sort of thing that they were interested in changing or making better If you re just kind of going along because it s a lot fun I d rather they didn t work for me

McGARRIGLE And in Dion s case speaking about all the staff people and the accomplishments what was it that was different that she stayed with you so long?

BATES You know it was almost like a brother sister relationship We just were really close friends and she just totally looked after my interests I d never had ever had any question about other people s loyalty or concern about working for me But Dion it was like unquestioned I mean she would see things through the eyes of well you know what is good for Bates She was constantly looking after my interests when I wasn t there and it was totally clear about that I guess she also changed jobs When she first started with me she was working in my district office and then she became my district office manager and then she had basically became I think a little bored of working in the district office after a while because you have to go out a lot and meet constituents and go to events and do all kinds of things I think she really wanted to be up in Sacramento

[End of Tape 12 Side A]

[Begin Tape 12 Side B]

BATES And then when she came to Sacramento I had the chair of the committee and so then I made her the principal consultant for the committee Human Services Committee and she was just so outstanding in the job and she loved the job so much She worked for me as the chair of the committee but she also had other committee members too She had to look after their interests By that I mean that if a Democratic member wanted a piece of legislation they would talk to her about it and she would help negotiate for them too If they had a bill that needed some changing so that it could pass and the governor might sign it into law then she would work with the other members of the committee So she wasn t exclusively working for me even though she was under my tutelage And then it became so wonderful because we drove back and forth from Sacramento so we d talk about all these things about other problems that she d have with legislation and individuals or whatever

And what was really really good in our case would be that she actually would be empowered to talk for me She would say Tom will never go for that [light laugh] I know he s not going to ever do that and Tom wants you to do this or she would say If you want Tom s support you d better make this change So she would be able to broker things Then after a while I mean it was hard to say where I ended and she began I mean after a while we were so close personally and philosophically on the issues she could basically do things and say Tom would never go for this and never discuss it with me [laughter] or after the fact you know after the fact

We had a Democratic majority on the committee so that meant that I had the ability and they would go along with what I wanted to do almost every time So that was good I d say 99 percent of the time they would go along with what I want So she had a lot of power because you know the Republicans and other people would come to the committee with a bill a stupid idea she would just say That s a bad idea He s not going to go for that You can try You can try but if I were you I would try to amend it and do some other thing with the bill She was able to negotiate So she had a lot of power herself because of being so close to me And I would back her up and she would back me up

So that it was a really wonderful working relationship It was fourteen years she was with the committee I guess it was actually twelve that she was with the committee But it worked out great So we had sort of early years working in the district and then moving up to Sacramento It was sort of a natural transition I think if she would have stayed in the district she probably would have left at some point I think at some point you reach the place where it s real hard You know the job you know the personalities Unless you re just really in love with the position you probably need to move on

McGARRIGLE And at what point did she decide that she would pursue running for the legislature herself?

BATES Of course I knew I was not going to run for reelection I was term limited and I knew I was going to fight the term limits in court So we had a whole strategy about me filing to run making notice that I was going to run and pursuing a court case strategy which I m sure we ll talk about later So we knew I was out And she was the logical person to do it Right away I started talking to her about running I said Why don t you run? And she decided she didn t want to run This was real

early this is like in 1990 or something as soon as term limits passed I mean I knew I was out of there We needed to start thinking about a successor

She really was not interested in running It was a hard time for her She felt like her responsibilities were with her family and she didn t want to be elected So she said she wasn t going to run

Then we started looking around to try to figure out who was going to run and there were a whole group of candidates that came forward to run There were some good candidates There really were But there was one person that we were concerned about His name was Jim Rogers He was a county supervisor from Contra Costa County and we knew he was going to run and we knew he had a lot of personal independent money And we didn t think very highly of him as an elected official He subsequently ran for this office lost and ran for reelection and was defeated for the board of supervisors So I guess the voters also caught up with him too whatever But he was running We were very concerned about him

We tried to talk Keith Carson who was a county supervisor into running and he didn t want to run He didn t want to leave the county board of supervisors And so the field started to form and a fellow by the name of Mark Friedman who we liked a lot who was a really wonderful guy He was a good representative from El Cerrito He s now currently in the year 2000 the mayor of El Cerrito But he was somebody who had a lot of potential and we liked a lot

But I had made this commitment to try to get a woman to take my place and I was really trying to fulfill that requirement I had spent my whole career working on women s issues trying to get women elected At one point the Berkeley City Council had nine women on the city council the state senator was a woman and

two United States senators were women I mean we had really worked hard to do this So I really wanted to get a woman to run

Loni Hancock would have been a perfect choice to run but she didn t want to run Her last term in office she got an appointment to the Clinton administration as regional representative for education in Region 9 She was really happy with her job at that point so she didn t want to run Every day we kept talking about it Well this is terrible We got to think of something what to do

And so Dion changed her mind She changed her mind The election is in June You have to file a notice in February So it was like November or something the year before that she decided to run I m not exactly sure about time but it was way late It already had like four candidates were running at that point So we felt it was going to be a major problem for her to be elected because she d spent all this time in Sacramento and nobody in the public particularly knew who she was Now she had built up all these wonderful connections with various groups like the disabled and issues around foster care And she knew the social workers she has very strong ties with the union Her husband had been a head of the Social Workers Union 535 statewide and Dion had been president of that union So she had very very tight excellent labor contacts

You know she started way late If she would have started a year earlier it would have been a relatively easy election to win I don t think people would have run But she got in late And I hadn t endorsed anyone So they polled and found that nobody knew who she was and nobody particularly knew anybody else So it was a function of money and ability to get across And what they found was in the polling which was very rewarding for me was that I was very popular I was extremely popular and people knew who I was and my endorsement meant a lot to

people So her whole campaign became all her bumper stickers all the media all the telephone calls were all Assemblyman Bates Endorses Dion Aroner It was on the lawn signs on everything because I was her I mean it was like I was running And since we were together a lot and we talked about all these things I told her to just kind of take credit for everything I ve done

So she proceeded to do that [Laughter] She proceeded to do that It was hard in some ways because you know she knew a lot of the issues I d been involved with but she really was not the principal staff person It wasn t her bill she didn t do any of the work but she knew all about it so she would talk like she had done it all One of the things in the legislature there s an expression where a legislator takes a bill through the process They say they ve been a jockey for this bill A group will come to you like trial lawyers or something Can you carry this bill? And so you would become the person who takes their legislation and carries it through the legislature

Now if along the way there s an amendment that s offered to the bill if you re really a jockey for somebody else s legislation you then don t necessarily accept the amendment You talk to the sponsor in this case who brought you the bill whether they want to take the amendment During the course of time that I was in the legislature out of the 500 bills that I introduced I can t think of any time that I was ever a jockey on a bill There were times when I would consult with In other words I always had the freedom to allow me to carry and I had the independent freedom to determine what I wanted to do with the bill There probably must have been I m sure there must have been five or six times that that was not the case I mean you know somebody comes to you with an idea and then suddenly you discuss it with them

A lot of times an amendment just comes out of left field on a committee Somebody says Well what about this Mr Bates? Will you do that? Well generally speaking you d say I need to think about that and take that amendment after this committee Let me have a chance to think about it and I ll talk to you about it in between time So you buy yourself some time and then talk to the people who came to you And so you really find out if it hurts you that much to take the amendment or if it improves it Sometimes an amendment comes and you don t have any choice You say You know if I m going to vote for this bill you take this amendment right? Or if not then don t count on my vote to pass this piece of legislation So you just have to say yes or no

So I really wasn t a jockey in that sense but what would happen was I would go to these places and Dion would take credit for all these things all my legislation It was the little license I mean things that she really didn t know anything about or been involved with or anything And so it was hard for me sometimes to sit there and see this person like what did I do? So when she got elected she won the Democratic nomination I told her that it was a great privilege for me to be able to jockey all of her legislation all these years [Laughter]

McGARRIGLE I imagine that was hard for some of your other staff people as well They worked hard on the legislation

BATES It was It was And you know my staff people are helping her though Rachel was helping her and other people were helping her They really wanted her to be elected because they saw the legacy of all of our stuff would continue for at least another six years They worked really hard We just all sort of bit our tongues and moved on She was an expert on all these things I mean I m not taking anything away from Dion She s turned out to be a great really great wonderful legislator And

you know I m very proud of what she s done but she wasn t as particularly involved with environmental issues which I was heavily involved in So she didn t really know too much about those issues But you know she took credit for all of these things that we did

Now you know she d mention my name occasionally But now she s obviously totally established herself and she s done great work So it s not a problem But she ran really literally on my coattails People called on election day They called people to remind them to vote and people told me later that people said Yeah I voted for Tom Bates I mean it was so associated obviously I wasn t on the ballot so they voted for her And so she won the Democratic nomination She got about 26 percent of the vote which was probably a hard core vote for me And she campaigned interestingly enough it was really sort of this funny strategy I mean it wasn t a funny strategy it was a winning strategy She campaigned to women which made sense We had the huge record on things that we ve done around women s issues and being a woman There were a lot of obviously important things But that was a group that the campaign focused on were women

And then the other thing they focused on were white men over fifty And that was because they had found in the pollings that a lot of those men had identified with me And so that was like a group of people that they could actually get because they re tied to me So in the phoning they tried to target both of those groups As I say the lead was Tom Bates Now what we know as political scientists know that when you leave office the further away you get from being out of office the less impact and influence your endorsement means So that now looking four years later five years later my endorsement would still be worth

something but it certainly would not be anywhere near what it was right then at that point in time I also had a lot of high visibility around the term limit case it was still in the paper so my name was still around

And then I was fortunate to have my whole career and never really have any hint of being inappropriate or improprieties on my part or being a crook or voting illegally or questionably or anything like that So I was very happy about that that you know that happened Obviously it wasn t luck We tried to be honest and aboveboard and try to set a good example So it all sort of paid off So I had a good rapport with the voters and Dion was able to take advantage of it

The question now is with term limits ending and for her in 2002 six years so Tom Bates s name is going to be not worth very much So many people have moved and come in and died and forgotten about me or whatever but my endorsement and Dion will not have been in office too long So it s going to be hard to say how much transfer there s going to be or ability to we re hoping you know I don t think there will be a question that we will both support the same person to take that seat again So whatever her name identification is or mine will at least be with that person We don t know who that is yet unfortunately It d be nice if we knew but we ll see Time will tell

So Dion was a special person It was almost like we re picking up each other s laundry It was just a very special friendship And the other thing I m really proud about is that we actually remained friends after she took my place A lot of legislators it s really remarkable I think there s some kind of ego problem But once a staff person gets elected they don t get along after that point It s like they have to break away It s almost like Ken Meade and I You know we split up and didn t speak for a long period of time even though I wasn t with him But it s almost

like the situation is that if your staff member runs and takes credit for everything that you have done or been involved with you feel like you re marginalized and who is this person to do this and they re not giving me the respect that I deserve I m sure there must be feelings the other way So almost in every case that I ve known before this the staff person of the legislator s gotten elected they have not gotten along after they ve been in office

With Dion it s been really wonderful You know we still keep in contact I don t try to tell her what to do But when she first got into office she used to call me all the time about things that she didn t know too much about and Who would I want to talk to? So I was really happy to pass on all the information I had And then after a while it wasn t necessary I mean she got her own people and her own ties You know we talk now about politics and who s going to take her place what she s going to do next and things like that the bigger more personal questions rather than this sort of day to day Oh I m interested in the day to day you know what s going on I m really interested in what s happening with term limits and how it s affecting things I like to get her perspective on things So we re still friends I m really happy about that we re able to survive the election and remain friends

McGARRIGLE Well it must be that in situations where there s an imbalance in the power more or the perception of power that it s almost like launching a child in the world if you can t separate your own person from this other person

BATES I think that s right I think a lot of that s really right And the other thing is I think that it s really hard for a lot of legislators after they ve been in office and been treated in a certain way and with a certain amount of respect that comes with the office and certain privileges that they have that come with the office that suddenly they don t have any more Suddenly they re in a situation where they re feeling

kind of like the world has changed radically for them and they have trouble adjusting to that new world They just do And others don t have a problem at all but some have a difficult time

A lot of times it s not uncommon for legislators to leave and then die right away You know it s almost like being an elderly person and losing your spouse they say they usually die within a year after the spouse dies But a lot of people have a really tough time just adjusting to not being elected not being thought of as important you know going places and not being introduced people not stepping aside or people not being interested in what you have to say You know people start looking past you And so that s hard I think for some people to be suddenly treated differently especially if they have a lot of ego and a lot of ego wrapped up in the job and the job becomes who they are

So some people keep running I think that s why a lot of people term limits has of course changed a lot of it But a lot of people just run until they die because they can t get a life or something they feel like this is it and this is what they want to do In some ways it s too bad They don t have any sort of balance Of course the life also leads itself to legislative divorce and marital problems And some of the most successful people are single It s almost like it s easier to be single You only have to account to yourself or have a strained relationship or some kind of relationship where it s understood that two parties are sort of living independently of each other which is I think pretty common But to see healthy wholesome lives married lives I think it s the exception and not the rule especially after a few years

I think it s particularly difficult being a spouse of the elected official having been the spouse of a mayor of Berkeley And having a certain amount of respect

with my own office I still found myself being in funny situations with my wife going places with her and being introduced as Mr Hancock This is when she was the mayor you know Mayor Hancock and Mr Hancock Or just being around people the way they treat her and they don t particularly people who don t know that I was an elected official and the way they relate to her and to me as her spouse

McGARRIGLE Can you give some examples of what that would be?

BATES Well you know it s really true people would literally be talking to you sort of like but really waiting for the moment when they could talk to my wife And so they were spending time with me talking small talk and nothing important and the important stuff was going to be talked with my wife The other thing would be people literally would be in a situation where they would treat you very brusquely You know they just like Well I ve got to go now They wouldn t spare any respect for any conversation or any length of time with you And then the sort of the looking over the shoulder like Can I talk to your wife? They were seeing if they could see what s really going on and when they can make their move

Now generally speaking I mean it wasn t the case for me because we lived in the Berkeley community and people knew that I was an elected official also But what was really strange was when we were traveling with the mayor And so it would be like Oh you re the mayor s husband And to be seen as the mayor s husband it s dehumanizing [Laughter]

McGARRIGLE I imagine given the degree of empathy that you have for women and there s the situations that you could relate that to what was commonly in the opposite

BATES Yes it must be terrible it must be awful And people feel like you re not of any value that you re just like an appendage Now I travel with Loni a fair amount

with her job now as the regional representative to the secretary of education and I go in meetings you know I ll be invited into the meetings I ll sit at the table or maybe not or sit in the back Nobody particularly is interested in my comments I mean they don t solicit them They don t say Well what do you think? It s like I m an outsider an observer and not a real participant I think that s what happens with the spouse they re seen as nobodies We re sort of there but not really important So I think it s real hard I really do think it s hard for people I think you have to have a really really strong sense of self to be able to be in those situations I know my wife first wife she hated it going places because she always felt marginalized Even though some of it could be psychological maybe it s not really happening but if you think it is it is

I know traveling with Loni I mean I feel like What is my function? Well my function is to maybe drive the car to carry the bags to be available to help out around small items but I m not really involved in the business part of it And I m very fortunate that Loni does ask me about things and I do participate And then when I participate I have to preface this by I try to participate appropriately I mean if I don t know anything about the subject obviously I m not going to participate But if it s something I know something about I would volunteer information But when I do so a lot of times I feel like people think Well why is he doing this? I mean he doesn t have any standing here He s not the representative He s not with the Department of Education Maybe if we just sort of humor and sort of listen or whatever you know And so it becomes more patronizing I think

McGARRIGLE I m going to ask you this question and then I m going to flip the tape over before you answer Do you get introduced as in your official position or given an introduction that indicates the position that you held in the legislature?

[End of Tape 12 Side B]

[Begin Tape 13 Side A]

BATES When I first got out of the legislature I picked out some business cards some cards I needed to have some identification you know put my e mail and fax and phone number and all that And then my name And then I said what am I? Who am I? Am I Former Legislator? Now some legislators have Former Legislator Am I a consultant? Am I a professor which I was going to be teaching at the university? Who am I? And so I went around and around about this and ended up putting nothing I m just Tom Bates It was like a calling card similar like in I guess in Great Britain people have cards announcing they re there right? So I have a calling card

So when I first got out of office people would introduce me to somebody as former assemblyman the state legislature And then when you d go to a meeting and you go around the table and say who you are I m Tom Bates What am I? Sometimes I would say citizen [Laughter] But I then decided who I am is in the present I was a former supervisor I was a former businessperson I was a former legislator And I also of course now work part time for a project that s called the Food Systems Project and I m the director of that project So generally I introduce myself as a director of the Food Systems Project and that s how I project myself

Now if Loni and I go to the Berkeley Education Foundation Lunch and they introduce the elected officials that are there Sometimes they introduce us former

Mayor Loni Hancock former assemblymember Tom Bates something like So some other people will do that but I think of myself now as a director of this project and as a consultant I still haven t changed my card but I just feel like I need to move past that I m now in the present that s what I am I was a Rose Bowl star too remember? [Laughter] But I m no longer trying to do that So that s what I do That s how I answer that

And you know I had this experience and I ve had this knowledge and it s very helpful I mean it really is very helpful You know you can just know that I have really a lot of valuable skills that I ve learned and I use them all the time I use them all the time in my current work I really like mentoring I have two young people that are like thirtyish young early thirties who work for me and I have a lot of fun mentoring them and seeing them develop and grow And the project I m working on is very fulfilling I just think it s better not to dwell in the past and just recognize that I do have skills that I developed there and they re very good campaign skills skills about how to operate in a system in terms of making things happen I m very fortunate in my career not just as a legislator but also when I was in the real estate development business and as a real estate salesman and other things that the number of things that I work on that actually happen that actually become reality that actually develop or actually become law is a very very high percentage So I feel very lucky about that Things I do work on they do end up happening So as long as that s happening I m happy

McGARRIGLE Well that s a wonderful sense of success

BATES Yes Yes it s been good

[End of Tape 13 Side A]

[End of Session]

[Session 8 June 7 2000]

[Begin Tape 14 Side A]

McGARRIGLE I brought down material relating to the term limits suit How did the idea first come into being?

BATES Term limits were instigated by a I think it is accurately depicted a group of conservatives and they were headed by a fellow by the name of [Peter] Schabarum And Pete Schabarum had been a legislator He d been a state assemblyman and he then left the assembly and went to Los Angeles and was elected to the board of supervisors where he served a number of years as a board of supervisors member of Los Angeles I think what led up to the term limits idea was that there was a real frustration among Republicans and conservatives to try to dislodge the Democrats from their hold in the assembly and also to a certain extent on the senate but mostly the assembly And so for a number of elections and prior to the term limits being actually ticked off they had run campaigns against members of the assembly Democratic members of the assembly

And a lot of their campaign was focused on the fact that an assembly member had voted and supported Willie Brown for speaker So they used that all over the state to try to dislodge incumbent Democrats particularly in seats that were marginal where they were barely getting elected in closely contested elections They actually for years I would say probably as many as four election cycles prior to the term limits had demonized Willie Brown and had taken pictures of him

when he had a full Afro and had long coats and flashy cars And so it was really a principal issue that they wanted to get rid of Willie Brown and get him out of office So that a lot of the emphasis behind it was not just to sweep out the incumbents but also to sweep them out and get Willie Brown

What we heard later was that they met to actually go over the language of their initiative and when they reached agreement on the initiative what we had heard and I can t verify this for certain but what we heard was that Pete Schabarum basically changed the language that they agreed upon and added a provision that said that not only were legislators in the assembly limited to three terms six years and the senators to two terms for four years eight years total but he also wrote a provision in there that included a lifetime ban so you could never ever hold the office again The idea was we re going to get Willie Brown now and he s never going to return to this power again

So they put the initiative on the ballot It was overwhelmingly popular with the voters The polling showed that it was in the high seventies and favorable to passage of the term limits Then the assembly and the senate because it was only directed at members of the state legislature and constitutional officers so the governor and the constitutional officers like the secretary of state controller treasurer insurance commissioner Those offices It was focused at the state level and so as a consequence that election that it was up 1990 was also the time that Pete Wilson was running at that time I believe against Dianne Feinstein

So he embraced the idea He thought it was a good idea And so it was pretty popular with the voters at the outset The assembly and senate actually really did a vigorous campaign against it And as the election got closer and closer the polls indicated that the favorable was dropping rapidly And actually David Roberti

who was then speaker pro tem of the senate had a $400 000 commitment an investment he was going to make in campaign funds in the last few days of the election to go on television to be able to buy spots for television He made a decision that it was hopeless and didn t spend the money the $400 000 that he had available to him to spend in his campaign and had been raised for that purpose but he thought Well it s going to pass so he didn t bother to put up the money to defeat it

So the election came and it passed by it was like fifty one to forty nine So it was like everybody

McGARRIGLE Oh it was so close at that point And in your district do you know what it was?

BATES It was two to one against term limits People voted overwhelmingly against term limits And in the East Bay and San Francisco the more liberal areas voted overwhelmingly against it but it carried the tide in the Central Valley and in San Diego and Riverside and other parts of the state But it barely passed

McGARRIGLE Were there Republican legislators who were opposed to it?

BATES No No I don t believe I could be wrong but I don t believe there was a one who was opposed to it It it was a very popular In the polls as I indicated you know when it first came out people were overwhelmingly in favor of it then as they started to think about it they started thinking Well why should I throw out my assembly member or state senator You know I think that there ought to be term limits but not mine right? [Laughter] And it broke down by political party The Democrats were opposed to it and the Republicans were in favor of [it] And there were enough independent Democrats and independents to pass it barely So it barely passed

So this was in 1990 It would take effect in November of 96 So at that moment in time everybody was essentially term limited Immediately the state assembly and senate petitioned to go to the state supreme court to bypass the lower courts to go directly to the state supreme court to test the constitutionality of the issue And it was sort of an unprecedented act At least I d never heard of that happening before I assume it happens in some other special circumstances The supreme court heard the arguments and the assembly and senate were represented by an attorney by the name of Joseph Remcho who later represented me in subsequent actions And you know it was an eye opener for me which was that everybody assumed that the lifetime ban was way too aggressive a move and that it would make it impossible to be ruled constitutional But lo and behold the court had been appointed at that point by Deukmejian had made appointees and there were Deukmejian appointees in the majority of [this] supreme court

And so naive Tom thinking that politics don t really enter into the court suddenly had an eye opener when it was pretty much right down party lines in the court with the Republicans voting that it was constitutional and the more liberal people on the court Democratically appointed people said it was unconstitutional So it was ruled constitutional with two exceptions The first exception was that they not only wanted to kick us all out from the office and never let us return they also wanted to cut off all the pensions that were currently in effect And that was ruled to be a contract that the legislature had entered into with its members and that that could not be severed And the other point was a minor point about staffing such as I recall I m a little fuzzy about that other point

But the main point was the pensions couldn t be cut So now when people were elected in 1996 they starting under the new law Well actually I m sorry

everybody who was elected after 1990 then 92 94 and after that they were not entitled to a pension They were entitled to Social Security and no pension

McGARRIGLE Really?

BATES Yes So that was what took effect And then at that point in my career I had been there and had assumed that after twenty years that I would more than likely want to retire And frankly at that point it wasn t particularly a lot of fun for me because I had a lot of difficulty with Willie Brown and his leadership style It was a situation where I was really uncomfortable The members of the legislature some of my good friends had left and gone to the Congress or others had gone to the state senate and I felt more and more isolated and had very few friends that I actually would want to be with in terms of socially having an interaction So it was partly my fault maybe my changing attitudes about things But other than say Tom Hannigan and Byron Sher and a few other people there weren t many people that I really would choose to be friends with

And so I was ready to leave I had reached the point where I knew it would be better to have somebody else come in office And some of it had to do with the fact that at home I had a very easy district to get reelected in Over the years I got lazy in the sense that I didn t have to go to every event like I did when I first got elected I could still get overwhelmingly elected I also had hired a staff person by the name of Rachel Richmond who was genius at getting press Before I had never really concentrated on press I mean I ve always wanted to get good press and I always tried to do things like press releases but never really worked the press And Rachel really was phenomenal I was in the press all the time

I did less and was in the press more that kind of thing But it wasn t really true We did a lot really We really were still active and still engaged It minimized my

need to be on personal one on one seeing everybody all the time because I was in the press I was seen a lot on the television and was a lot on the radio We really figured that radio or she figured and it proved to be correct that radio was really under used by the legislators So we started doing radio things all the time

McGARRIGLE Would that be NPR or ?

BATES KCBS We did KGO the local radio stations Berkeley has KPFA There s the NPR local here KQED We did a lot of that And then also what was occurring with radio was that a lot of these stations didn t have news broadcasters They would actually pick up feeds from services So what we found was that the state assembly actually through Majority Services which is an organization that was put together by the speaker to basically help his members perform their duties and responsibilities such things as helping them with drafting of legislation give them advice about maybe how to do press in their district assist them with various kinds of media outlets that they would establish They actually hired a person who did radio feeds He would take various kinds of interviews and various news things and then would send them to like a hundred and sixty stations or something Because they didn t have any staff of their own they got this feed from this service that they basically ran this unfettered news So it was very good

They also had a television studio that they set up where they would actually do television interviews and things of that nature and feed those by satellite to various stations in the Valley and other places around news that they thought was important It was surprising the amount of news that people people ostensibly didn t have the personnel they didn t have the news members on their staffs anymore at the various stations radio stations and television And they got it free and it wasn t totally slanted I mean they tried to make it sort of objective like they

wouldn t bring in the opposite side but it wouldn t be totally a puff piece If it was overly puff then they wouldn t use the material

So in any case I had done a lot of press And was in the paper a lot around issues and things that I was involved with I was on television a lot and did a lot of radio and so it was like the need for me to be out at the public was less important I found myself in a situation where I basically stopped going to a lot of events and things And some people you know they want to see their representative and I knew that that was a problem But I also figured that I was probably not interested in serving beyond the term limited time

It occurred to me right away right after the passage of term limits that somebody needed to challenge the term limits again in federal court So I knew from the get go that I was interested in pursuing that And I d hoped that I would be successful That it would be something that I would leave public service public elected service and would be able to throw out the term limits my hope that I would be going out fighting for something I believed in and hopefully winning So that also compounded the issue So I was getting a lot of press but not showing up in person for a lot of things And then my wife was the mayor of Berkeley at that time in 1990 And so the times I did go I went to Berkeley events I went with my wife And so the two of us would go together it made it a lot more pleasant to go places and be together

A lot of parts of my district like Contra Costa County Richmond other parts I was interested in and I worked on from the issue point of view but I d stopped going to political things And the same thing was true in Oakland the other part of my district I felt like I was getting weaker I mean politically weaker And the other part of it for me was that I also lost the desire to really raise lots of money

And there was lots of pressure to raise money from the Democratic caucus We d go to the meetings once a week on Tuesday we d have lunch And it was a very expensive lunch even though it was free We d actually have to pay for one lunch a year for all the members it worked out that by everyone paying for one lunch it covered the cost of the meal So it would cost us like $400 for lunch for the entire session

McGARRIGLE And would you go out to a restaurant?

BATES No actually right there in the capitol building there s a members lounge

McGARRIGLE Okay

BATES And so the member s lounge the Democratic caucus would take over the lounge on Tuesdays and then would have a meeting And at the meeting we d have lunch and there d be a little social interaction and then there would be an agenda And the agenda was almost totally focused on maintaining a majority in the assembly or other political issues that are of grave interest to the members of the caucus But by and large every week there would be something that Willie Brown would need for money for It could be preparing for voter registration drives getting money to pay for people to go out and circulate petitions and get voter registration forms filled out for special elections It seemed like there was always a special election coming up some member dying or moving on to another office and vacancy occurring So there were constant pressures In the end there were because of actions taken by Willie Brown and the assembly Democrats there were recall elections one after another two recall elections So every time you d go to a meeting there would be a need of to go around the room and call everybody s name and ask how much money they were going to give And it was a little embarrassing when I would say I m not going to give any

So I felt more and more isolated I didn t really want to raise the money And then the problem with raising money for me was when I would go to interest groups that were my supporters and say I needed to raise some money they would say Tom we d be glad to support you but there s no reason for us to give you any money You don t have any election you don t have any opponent I mean I m winning elections now by overwhelming majorities and margins there was no compelling reason for anyone to give me any money other than they wanted to help me in some way to help my career And so it became exceedingly difficult to raise money

McGARRIGLE These weekly meetings and lunches were they new to Willie Brown s speakership or did the nature of them change when he was in power?

BATES What happened was the speakership fight and when Willie Brown became the speaker he instituted weekly lunches So that was a change And it was a sharing of power It was actually a very interesting exercise in leadership and how he worked these various caucuses And then there were other issues that were decided You know not necessarily all focused on raising money but every meeting it seemed like there was a portion of the meeting set aside to raising money So of course if there were forty five members and each one put in $2000 you know you re suddenly talking about $90 000 I mean it s fairly easy to raise money in those chunks if you can get people to participate

McGARRIGLE Were members expected to give personally or that was money that was expected they would raise in their districts?

BATES It would be campaign funds

McGARRIGLE It would be campaign funds?

BATES Campaign funds It wouldn t necessarily be raised in their district because what happens a lot of times there are special interest groups like the trial lawyers and the teachers and the teamsters and the auto workers you know people like that who have a presence in Sacramento who attend fundraisers and who contribute on a fairly regular basis to Democratic members And of course the Republicans have theirs too Clearly they have more than the Democrats But the Democrats were in control in the legislature in the assembly at that point and up until the very end of my term the Democrats were in control So even if you didn t agree with the Democrats and you were a special interest you felt like you had to give some money to them just to have them listen to you and be available to you

But in my case I had started out my political career with a large base of small donors and still maintained that base of small donors and I used to do mailings throughout my career to small donors And then the era of small fundraisers that the average person can go to small by that I mean the amount that you have to pay to get in became less and less frequent that these events would occur because it cost so much money to put them on to send out the mailings to get the place And if you have a spaghetti dinner let s say for twenty five dollars and if you went to a restaurant it d probably cost you twenty dollars to put on the food so you make five dollars Well other than having contact with people and getting volunteers and getting positive energy that comes out of that event it s not worth doing So more and more what it ends up being is high ticket $500 $1000 in some cases $10 000 events where you have very few people And so that really freezes and knocks out I would say in my case about 80 percent of all my contributors didn t fall into that category

I tried to have some kind of a barbecue some kind of small person s fundraiser and maintained a list of small donors You would raise some money but it wasn t a significant amount of money And then they would have receptions of various kinds in Sacramento where they d invite the special interests and lobbyists to come you know to breakfast or a cocktail party Usually very low expenses high profit things like a cocktail party So that you serve some maybe five dollars or ten dollars worth of drinks or something and you would charge maybe $500 to get people to come In order to get the lobbyists to come it s a game that s played which is that you send them an invitation And this is a lobbyist who now comes before the committee talks to you about various issues They receive the invitation to the event and then they send it to their client whoever that might be It might be anywhere from a car company to a chemical company

There are probably 500 lobbyists in Sacramento and most of them have a number of clients There are some that only have one client like the city of Los Angeles or the teachers But they re contract lobbyists they re called who represent multiple twenty clients ten clients So they get the invitation they then decide who they want to invite if their client would participate Now some clients don t have any PAC money don t do any political giving so it s not an issue Planned Parenthood You know I mean there s a whole number of people who don t go to fundraisers And some lobbyists don t go to fundraisers But generally speaking there are certain groups horse racing groups that are involved with business interests they never came to my fundraisers the oil companies and cigarette companies People like that would not come to my events

So what would then happen is that in order to leverage their clients interests generally speaking they d wait for the legislator to call them And when the

legislator calls the lobbyist in that phone call the ethics are very clear You can not talk about any business that that lobbyist has before the legislature So you call and say I m having this fundraiser Can you come to my fundraiser? And they would say Well I ve got so and so client who might be coming and I ll get back to you But it s almost like they want you to make that call In order to be effective to get people to come you have to do calls And then you know you could hang up that call and then call them back on another phone that would be a state phone the campaign phone had to be a private phone and talk about business that they might have I mean it s sort of like a game that s played

McGARRIGLE And in a member s office would you have two phones a private and a

BATES Yes

McGARRIGLE So you could literally in the same room go from one phone to another phone?

BATES Well actually what happens is that cell phones offer a whole new opportunity for fundraising But it gets questionable What I did was I had a condo that was close by so I would just go to the condo and I never had a cell phone I physically would go to the other place and make phone calls when I had to do that or go to an office of a friend who had a Sacramento private office and call there So I would leave the capitol But it gets questionable because if you re in your office and you re using a cell phone I mean theoretically the electricity the heat the state is providing the surroundings for you so ethically I think it gets to be questionable

Now I think as a practical matter people do it all the time They do it all the time Because well here s an example I call you on my cell phone a lobbyist on my cell phone and they call me back on my cell phone Well now it s two hours later I m now in the capitol So I answer the state phone So we then have a

conversation But I think cell phones are helpful to avoid that political problem whose phone are you talking on?

McGARRIGLE What were some of the groups who you relied on for support or who you would contact for support?

BATES The groups that supported me were obviously groups that agreed with my point of view So organized labor was very supportive of me I had difficulty with the construction unions Some of the construction unions that didn t like my positions around the environment when it clashed with their desire to develop The operating engineers which [have] built freeways and various kinds of road projects and other things major dams things like that they always had difficulty with me They were and are an extremely powerful union And the reason they re powerful kind of sidebar is that they have a printing press and they will print legislators materials at cost or free So in other words if I wanted to do a mailing of 40 000 brochures it would cost me I don t know today s prices maybe somewhere in the neighborhood just the printing and layout and design maybe as much as eight to ten thousand dollars So they would give that to you for free if they supported you So that was very valuable very valuable

When you do mailings you don t just do one mailing In order to make an impact you notice in these elections you get like four or five or seven mailings If you multiply that by seven suddenly you have a major contribution that these people are providing for you A lot of people don t want to alienate them because they want to ask them later to support them So I never had that support What I did have support from was the environmental communities It was mostly very small fundraising but it was clearly support I mean my voting record was aligned with them I had a very strong environmental record I think Out of the years I was

there I think maybe one or two years I didn t have 100 percent on the voting you know the votes that they looked to rate legislators on Sometimes I wasn t there I wasn t physically present or something of that nature But it was always like 100 percent or close

McGARRIGLE And that would be Sierra Club and ?

BATES League of Conservation Voters

McGARRIGLE Nature Conservancy?

BATES Well they didn t actually get involved in that part but yes organizations like that Friends of the River There were actually people [who were] concerned about mountain lions and things of that nature So I got support there Then I also received financial support for a long time from the trial lawyers and from the applicant lawyers These are the people that deal with workers compensation They were supporters of mine until I had a falling out with them over some legislation I did The lobbyist for the applicant lawyer also worked for the trial lawyers And generally speaking I supported them in their legislative efforts because [they] tended to side with the consumer over manufacturers and trying to make sure that there were proper compensation paid for people who were injured Generally speaking I was with them and they supported me

The teachers supported me pretty overwhelmingly They were of course a union so I would fall into the union category But they were significant endorsers The highway patrol interestingly enough is a very important constituency because they are a union and they contribute money and they also have a good reputation

[End of Tape 14 Side A]

[Begin Tape 14 Side B]

BATES It was actually when you really get right down to it in the end was primarily union money and some interest groups By interest groups you know it wasn t anything One time I got a check from Mobil Oil I couldn t believe it so I kept it [Laughter] We kept it And I figured under [former Speaker] Jesse Unruh s theory if you can t take their money and vote against them you shouldn t be here That s sort of a cleaned up version [laughter]

McGARRIGLE Of course you have to be original

Oh I wanted to ask you something about the highway patrol It s interesting they weren t aligned with the people who were building the roads They had a different alignment

BATES They did And actually they were interested in working conditions they were interested in pensions and protections and wages Now the other part that I should mention which also is a union was that the state workers were supporters of mine and that s a substantial number of people So those were the groups Those are the people I would call when I needed to raise some money And the problem as I mentioned was by and large when I would call they would say There s no reason for us to support you And some of them came just because they knew the game And I said Look I got to do this because I want to be a member of the caucus and I want to pay my share to be a member But that became less and less important to me to be a player in the sense of giving money and doing that

Now I think that in retrospect that was probably looking back on my career a weakness I probably should have focused spent more time and energy on that because that would given me more clout within the caucus I just assumed that the issues I was working on were important and that I was going to prevail with my work around the legislation and my organizing pressuring people and doing smart

things with press using that leverage information how to frame issues so that it made it difficult for people to vote against them And I think by and large that was true but it also meant that I was more marginalized Well when it gets right down to it we re going to give a park in a district and we only have so much money that s available to us they would say Well who s given money? Right? I mean it would get down to that kind of thing

So it didn t really hurt my district I don t think at all because I was so persistent and there all the time and knew how to work the system because I d been there for a long time that I still was effective And I think most people who followed it would say that I was really effective They used to always joke that I was the first hog in the trough [Laughter] I loved to do projects And I loved to figure out where money was and try to make it come to my district So I was always working on it But the issues I was working on too were poor people s issues because I was a chair of the Human Services Committee and this is a little ways away from term limits but

McGARRIGLE It s okay

BATES But I was the chair of the Human Services Committee and so I was concerned about welfare reform I was concerned about the poor kids and about their families Nobody really cared about them [There were] very few people [who] really cared There were some that cared but by and large a totally marginal group of people from the standpoint of a politician they don t give any money They really don t even vote they don t register to vote and they move around a lot And they re not popular and people say Let them get a job right? Get off welfare And I was involved with the mentally ill and the disabled So I was working for those issues So I didn t have a lot of opposition amongst my

colleagues other than spending money I mean nobody s going to say We can t do this We can t help the mentally ill in our Democratic caucus Now they might say We can t afford it We can t afford to spend the money We re sorry We d like to but we can t afford it But it wouldn t be straight out opposition

Now around welfare it became a big issue because the Republicans Every year we did welfare reform Every year we reformed the welfare system And every year it wasn t enough for the Republicans It was always Let s get them So they wanted to And then the benefits [that] were paid in California were determined by the Republicans and the conservative Democrats to be too much in relation to other states and they said it s a magnet attracting people to California because of these elaborate benefits Well all the studies all the surveys everything prove that s not the case People don t move for the benefits They move because they have a family there and they move because they think they can get a job they move there because their circumstance where they are is so bad And they know that if they come to California that they believe that there s a friend and there s a job It s not coming to get to the benefits

McGARRIGLE Well I would think cost of living would offset any positive effect of a benefit increase anyway

BATES Exactly So that was right So we pointed all that out but it didn t matter I mean it was we have the highest cost of living in San Francisco Los Angeles San Diego Orange County It was like off the charts And the Republicans would always make demands They wanted cuts and they wanted to punish these people So it was wedge politics where you try to divide find a group and try to split people up The Democrats are defending these deadbeats and delinquent dads and welfare moms And so I always found myself defending these people because it was my

responsibility as a chair and also I believed that it wasn t necessary to harm poor people

Now some of the welfare reform did get adopted and some of it worked quite effectively But to give you an example Art Agnos George Deukmejian is the governor Art Agnos is an assembly member from San Francisco who later becomes mayor of San Francisco He is interested in welfare reform and he s on my committee and I have the votes to basically make the welfare reform to be a moderate change and not to be a radical change He went to work with George Deukmejian and his Health and Human Services director a guy by the name of David Swope And they worked out a deal where they would support an Agnos bill It was like a bill designed by a group of people which meant that it was way liberal and way conservative The way they say it it s like a horse designed by a committee turns out to be a camel or something

So it was a whole series of ideas that they put together I opposed them as well as the senator who was in charge of the senate Health and Welfare Committee which was [its] counterpoint to the state assembly Diane Watson opposed it They put the bill in one day The bill passed the entire assembly passed the entire senate and went to the governor in one day I ve never seen anything like that before or again

McGARRIGLE And that s the amount of energy that was behind

BATES Yes

McGARRIGLE welfare as for the Republicans?

BATES Republicans wanted this The Democrats wanted this It was like Agnos had worked the bill a lot He talked to a lot of people [and] worked all around The bill basically was introduced they made it an urgency legislation It passed the

committees the Assembly Policy Committee the Assembly Ways and Means Committee the assembly floor and the senate policy [and] fiscal committee and the senate floor in one day The whole bill And it was signed into law like on the second day

McGARRIGLE And what was the urgency? What was the change that was actually implemented?

BATES They wanted to put in place a welfare reform that would allow You know they ve had a lot of changes in the legislation It provided for some child care which was good and it provided for some transportation money It provided that everybody on welfare had to attend a class which would teach them how to apply for a job and everybody had to apply for a job first before they could go on aid And it had a whole series of if you didn t do this you ll get thrown off and a lot of punitive stuff that the Republicans liked And the reason that they did it so fast I think is that the time was a problem The session was getting to the end so there wasn t a lot of time left

But more cynically I don t think it would have stood up for real scrutiny if we had had a chance to have the kind of hearings that were necessary to really examine what was going on Later it all got modified it all got changed But it passed in one day And if I would have been a major player in the Democratic caucus if I would have been giving hundreds of thousands of dollars to various issues and causes that the speaker felt were important and helped the other people get elected I could have stopped it I could have said Wait a minute If you ram this down everybody s throats then I m not going to help I m not going to be enthusiastic So I could have had the political leverage to maybe to have slowed that down It may have passed anyway but it would have had a lot more trouble

McGARRIGLE Well all of this is relevant to term limits [Laughter] You [give] all the background for term limits and the period of time I m interested in how things were different before Willie Brown So he instituted these lunches and this need for raising money

BATES The caucus lunches

McGARRIGLE But was that function carried out before or was it done differently? Was the need for money not as grave prior to Willie Brown?

BATES It was It was just as grave just as important Leo McCarthy when he was a speaker he played everything very close to the vest He had his lieutenants of which Agnos was one of them and he had two or three people around him They planned everything and they basically would not get the group together other than if they were in the course of a legislative day on the floor of the assembly and a bill came up or some issue came up that they didn t know how they wanted to handle it they would call time outs say Well ask for a Democratic caucus Then they would go behind closed doors in the caucus and discuss that issue And then sometimes they go behind the door to talk about an issue and then say By the way we need to raise money and do some other stuff

But you have to remember when I was elected the Democrats were so fat and so happy that it was like they were it was their own demise They slowly whittled down When I was elected there were fifty seven Democrats in an eighty member body which meant that we had three more than were necessary to pass any piece of legislation Two thirds or fifty four votes passes anything on an urgency or spent money And normally you only need 50 percent so you only need forty one votes So here we had fifty seven votes So that s like they didn t need anything and so they What happened with McCarthy was he was an opponent for Proposition 13

and he went around the state campaigning against Proposition 13 So he was really focused in 1978 the second year I was there He was focused on trying to stop Prop 13 And then when Prop 13 passed he then tried to rally to save some of his membership to get them reelected back in November

And he lost We went down from fifty seven I think to maybe fifty four or something But you know it just started to slide down So it wasn t orchestrated like Willie Brown Willie Brown did the same thing He had his lieutenants They all met They all talked about everything before they go into the caucus They all had strategies like somebody would raise an issue or make an argument and others would join in The way Willie Brown worked it was that they would sort of set the table This is the issue that we need to do and then say Well what do you guys think? What do you people think? They were primarily men What do you think?

And then one of his lieutenants or somebody would talk and then they would talk and they would counter arguments Like somebody would say Well what about this? You know bring up these arguments Then Willie Brown s people whom everybody knew who they were would say an argument against it And then somebody else would speak the way the Brown person did So then they would shake out the arguments with his people And the way it worked is you could speak once And then after everybody had spoken if you wanted to speak again you can speak again It was highly frowned upon to speak again I mean you could It was just that you had your say and you could have raised that before But something might come up And people did talk again but by and large they only spoke once

Then Willie Brown would summarize what he had heard from the members And then he would say This is what we re going to do And that s what would happen

McGARRIGLE It sounds exhausting to be in that kind of a room Was it exhausting?

BATES Well you know a lot of times people would sleep [Laughter]

McGARRIGLE It sounds exhausting If so much is orchestrated and then to try to understand where it s possible to actually make change and where different members are actually falling into their designated preordained roles which ultimately

BATES Well that s true But sometimes they were just impromptu things I mean things come up like a Republican would make a suggestion on the floor an amendment or something and so we d have to go in and talk about it and decide what we re going to do Generally speaking there were a lot of routine things I mean you couldn t just make an amendment But I made an amendment to a bill you know I could do that I could offer an amendment and then the question is Why wasn t that amendment offered at the committee when the committee heard it? And if it was offered at the committee and it was rejected by the committee the Democrats in the committee would say No We don t want that We can t do that or if offered on the assembly floor they would refer the amendment to the appropriate committee But things would come up and so it wasn t totally orchestrated Things would come up and ideas would come forward in the caucus and suddenly people would change their ideas their views

And so it could ebb and flow I mean it wouldn t necessarily be everything was all thought out I m sure Willie Brown would like to depict it that way but it wasn t that way [Laughter]

McGARRIGLE So it could be constructive as well it sounds like

BATES Oh definitely One of the reasons I was never interested in being in his leadership group I could have been Anybody could be in his leadership group What it meant was incredible personal sacrifice of your time Willie Brown anybody who would come around him he could participate which is sort of an interesting style I m sure there were certain things that they wouldn t want some people involved with but you know you could come Like every night after work people would come to his office and they would talk about things And he talked to them about various issues And so he would have sort of like a mini caucus in his office or whatever and they would decide on things strategy It was like his leadership group

And the part that I disliked the most was Willie Brown believed that if you came to this group and you made an argument and everybody debated and it was decided that your point of view did not prevail you then had to put that aside your point of view and had to go along with the group So if you re part of the group the group decides something you ought to go with the group Well there was no way that I was going to do that Because I represented my own point of view and my own district and I wasn t about to go along with the group just to be a member of the group

And so if you wanted to go to these meetings and put up the money it took in terms of constantly being required to put money into various issues and causes and what have you If you can pay that entry fee you re in You know there was that I wasn t really prepared to do that I mean pay the money and spend the time It was an incredible amount of time It would have meant that I would have never gone back to the district I would have spent my time in Sacramento with this group of people They ate together they socialized together they moved around together

and went to events together But it became a clique of little people that would be around Brown

Now it also is true that you could say I m not going to do this My district won t allow me to I can t vote that way because it ll hurt me in my district and I won t be elected Well it was very hard for me to ever make that statement I mean I could have done anything I wanted practically within reason I still had to cover myself I mean I couldn t not vote for education issues or environmental issues which were the two over riding issues in my district and transportation was probably very close I had a huge leeway to do things I didn t want to be in that situation where I had to compromise my own beliefs by going along with the group

McGARRIGLE Well it s interesting because it sets up there s this tiered system I can envision where there s the Democrats as a group then there s the individual member and his or her own viewpoint and then there s the constituents back home in the district

BATES Right Yes

McGARRIGLE And so how does the member negotiate his or her own personal beliefs and opinions about what s right the needs and opinions of people in the district and the caucus?

BATES Well I think it obviously varies for each issue you know trying to figure it out with each issue Sometimes there s this overwhelming pressure See the other thing about the caucus is that talking about that for a moment before we go to the other things you said it s a group pressure group peer and you re a member of this caucus right? So we were all going to vote together on this issue and then I d say No I m not voting that way And then somebody else says I m not voting that way And then suddenly Well you re not a member of the group I mean what

do you think? You re better than the rest of us or you re purer than the rest of us? You know there s this pressure And then they say We need forty one votes to get this to pass Are you going to be part of this or not?

Now it is true that in the caucus what will happen is that there ll be a controversial issue that for some reason let s just say that the caucus wants to have passed that they all think is important It takes forty one votes and we have let s say forty five members of the caucus So they will say Okay four members don t have to vote for this the four marginal people in other words people whose districts are close for election purposes because this is too controversial So you can vote no or you don t have to vote at all They give people what s called a pass so they don t have to vote So they orchestrate it out And then suddenly I m saying Put me in the four category I m not voting for that turkey whatever it is right? And then that means that if the marginal person whom they consider to be in danger has to vote for it to pass it So I m being a real jerk

McGARRIGLE Taking someone else s space

BATES Making that other person take the problem when I could take the heat and take the vote So it s a problem You just have to look at your own moral compass and say Where do I draw the line? It s hard The line gets fuzzy like will you vote for abortions? It s clear that I believe that women should have the right to choose Well what happens if it s the ninth month you know the last week of the pregnancy and the mother s fine and the baby is healthy and I want to abort it? Should I be allowed? I mean those extremes Like well where s the line drawn? I mean I personally believe that a woman should choose so the issue then for me is like well I take that to [the] extreme They could decide the last day But that s

really hard if that were a real baby you know what I mean? And so at what point do you draw the line? And so that s not maybe the greatest example

So it s hard to say This is it This is what I believe I m not moving Well what if we do this? What if we chip away a little bit we make this concession? And politics is the art of compromise right? You can t be an extremist and pass things You re marginalized because you re not involved with the real decision makings in the middle And that s where I was on the edge It was hard where the real things were the swing people the people who could go either way on any issue They were the ones in power They re the ones who the lobbyists want to support because they want to convince them to their point of view The other people they ve got already When it comes to an issue around improving the schools or whatever they know they can count on me to vote for They don t even have to talk to me about that It s the ones that they say Well this change will modify this

So the caucus puts tremendous pressure on people to do things Its s real hard to I mean the question is how do you determine what your district really wants? Now in my case I represented the East Bay which I think by and large has a political profile [tape interruption]

BATES Where were we?

McGARRIGLE Oh the East Bay representing the East Bay

BATES Oh East Bay yes The people in the East Bay by and large if you look at voting patterns vote pretty overwhelmingly the same way They re very liberal they like education issues they support solidly Environmental issues they re for Civil liberties they re for It s a very liberal group As an example when there was a recall of Rose Bird people in my area voted overwhelmingly against recalling

Rose Bird And she was recalled two to one by the rest of the state Proposition 13 people here voted overwhelmingly against Proposition 13 almost two to one again Same thing was true with term limits They said No We don t want term limits two to one

It is a group that by and large votes as a group very liberally and right in line with my personal point of view So it was relatively easy On insurance or something it s real hard to say where the people line up So then in some issues it s 51 49 percent Those were issues everybody hates when you see that everybody s so totally divided But with an issue like insurance or something who knows what people think So it s really then up to the legislator to sell what they did in the election

So I always assumed that the way I looked at it was that I was going to vote what I thought was in the right interest of myself and the district In my case I had the luxury of voting for myself A lot of legislators vote with their district They just vote with their district They know their district would not tolerate a vote against their interests A friend of mine the first year I was elected a fellow by the name of [Michael] Mike Gage who represented the Napa Valley area he believed like I did and others that the death penalty was not a deterrent to crime and so he voted against the laws that would put in place death penalties And when it passed he said This means that I m going to have to spend the next two years going to every Rotary Kiwanis and service club go to every speech I can to justify you know people seeing me and talking to me and say Well we don t agree with him on this but they see me they talk to me and I campaign

So he campaigned the entire time and he got reelected And the issue came back again in 1979 And he voted against it again and then said I can not spend

the time and energy that I did the last two years so I m not running for reelection I just can t I know that I m not in agreement with my district and I just cannot I m just not physically able to do what I did before It s just too exhausting It s not worth it So he retired and never ran for reelection He figured he d lose And his district did go Republican and then remained Republican for a long time

So there are issues like that when you just say Look it this is a death knell vote If I vote this way it s over In my case in my district if I supported some incredible dam projects or something that would ruin the environment or something that would be scandalous I could certainly have lost But by and large the first issue that I ran into when I first got elected was the issue of abortions and abortion funding And I felt very strongly that women ought to have the right to choose and that poor women ought to have access to abortion services as any person who had money had means to have an abortion privately A big issue around the budget was cutting out funding for poor women around their ability to get an abortion through MediCal MediCal program the state health program would not fund abortions So I didn t vote for the budget on that basis Three of us didn t vote on that basis

I didn t realize at the time how important how angry I guess the speaker was because they want everybody to vote for the budget And that I d taken this position and a lot of people couldn t take that position even though they might have agreed with me because their vote was needed to pass the budget

McGARRIGLE But do you recall who the other people were who took the position?

BATES Well the only other person I recall off hand is Barry Keene who actually was running for the state senate so he was getting out of there [Laughter] And I was staying It wasn t a problem But you know when I came back to my district there

were people who didn t agree with that vote at all At that point when I was first elected it was not a great overwhelming Democratic district And I had a tough election and it was an issue in the election You know they didn t want to support poor people Luckily I survived that election Reapportionment gave me a better district later and it was never a problem But some legislators know that there s just a real problem if they do certain votes Support welfare people that could be a problem for them In other words vote to have an increase in welfare benefits Things like that

And what happens is that in the caucus and also sometimes even on the floor of the assembly the debate is such that people say they think of things in terms of hit pieces [negative mail] Well if you vote a certain way they can visualize a hit piece a hit piece like supports welfare cheats You know what I mean? So they re always thinking about hit pieces and they re scared But I never had to be scared because I had such a great district

[End Tape 14 Side B]

[Begin Tape 15 Side A]

BATES I was pretty well burnt out and knew that I needed to leave I think if I would have had closer friends or had been more of a social but I came home every night with my staff My friends were my staff

McGARRIGLE Came home meaning to the place in Sacramento?

BATES I went back to Berkeley every night every night

McGARRIGLE Oh came back to Berkeley at that point?

BATES Well I did it all along

When I first was elected I stayed up in Sacramento with my office and then people we had in condos And then I had my own place And I stayed in motels

After I stayed with my staff Lenny Goldberg and Maggie Shandera after that I had to get away It was like we were working all the time It was never any relief And after that I started staying in motels I stayed in Motel 6 s and places like that when I stayed up And then I started coming home all the time So at the end I was always coming home every night I think in the last year in the legislature I stayed overnight maybe three nights And I had a condo a place that I owned three blocks from the capitol but I still went home because you know my wife was there even though she was working as the mayor She d be out I still went home I just felt more comfortable

So I was pretty alienated from the place and I was just trying to finish with my honor intact and not losing my integrity Because it s hard these decisions as I say you know the 49 51 percent decisions are hard I didn t have a lot of them but they did come up And then personal things people asked you know Can you vote for this? and I ve always voted for you can t you help me every once in a while? You know it got hard for me to say No I m sorry I m a person of principle I mean you can t say that obviously but that s kind of like and you know because the feeling is then Who does he think he is? You know so there s a lot of that

But I did have good relations with the members of the legislature I really did even though I didn t support them I guess because I was friendly and I found mutual ways of conversations to find topics we could discuss Everything from the stock market to the baseball teams to the weather to you name it And I got along with the conservatives They liked me and I liked them We get along as people But it was a business relationship it wasn t a social relationship And I didn t drink and go out with people

Anyway I knew I was leaving so the term limits became something that I wanted to fight and I really wanted to be involved with it I went to Joseph Remcho who was the lawyer who had been involved with the fight at the state supreme court who represented the legislature He also was the lawyer for Willie Brown and the Democratic caucus He represented a number of legal actions He s really [an] exceptionally fine lawyer who specialized in government law particularly around election issues So he was a logical person to go to We spoke over the years I told him that I was interested if he was interested in doing the case He lived in the East Bay and was one of my constituents so I would see him at the caucuses and I d see him from time to time I told him that I would like to try this and I thought that and he thought it too that the law was vulnerable from the lifetime ban provision He felt that and I felt that the case could be won on the basis that it was overly restrictive That you could accomplish the same purpose by having people sit out one term or two terms and not be banned for life that that would accomplish the same purpose and would not be restrictive of their personal freedoms to hold office

He agreed to take the case and he agreed to do it pro bono And he hoped that we could raise some money to offset some of the fees We did raise some money but not much Then we started looking for plaintiffs started looking for plaintiffs people who were injured And it was really interesting because what we found was that those members whose district was such that if voters voted against term limits a lot of those people had plans They were running for other offices And if they weren t running now they saw their chance to run in the future And some of them felt well this would be harmful for them to have been a plaintiff for this

So it got down to a place where this is unbelievable in some ways that there really was nobody besides myself who was elected who wanted to be a plaintiff Everybody had plans Everybody was running for this or doing that and I was one of the few people who knew that I wasn t particularly interested in doing something I also felt like this isn t going to hurt me anyway And then there s also the time element because once you become a plaintiff then you re not legally banned but you have to maintain your status and standing as a plaintiff you can t really run for another office So it meant that I couldn t run for any office in 96 And depending on how long the case went down the line it could be I couldn t run in anything in 98 or later depending upon what the outcome of the case was

Also it was important because the other side made the arguments Well look it You can run for any office you want You can run for state senate you can run for United States Senate you can run for president of the school board You can run for anything you want to if you wanted to be in office You just can t run for this office So we filed the case Joe wanted to file it as soon as we could because he wanted to get it going Of course a lot of people were watching this case So it ended up being myself as the lead plaintiff and then we had to find I think we had six other citizen plaintiffs who were injured because it wasn t just me that was personally injured

See that was the other problem was trying to politically have people understand that it s not just about Tom Bates can t take no for an answer and wants to run for this office but that there were other individual voters who were also harmed because they had had my representation and they didn t have that choice We gathered the various citizens in my district who agreed to be plaintiffs so it was myself and six plaintiffs filed the case We filed in federal court The way the

system works is that the legislature as sort of self protection requires that people in January of the election year the even number year have to file a notice of intent to run for office Then after they file the notice of intent they then have to take out papers as everybody else does and then they have to file the papers and have a sufficient number of signatures by like March to appear on the June ballot Of course if they win their party s nomination in June they then run in November

So I filed to run in January which started the case When we went to the Alameda County clerk he said We can t accept these because the law prohibits me from doing this So that case started that way And the secretary of state was the plaintiff He was the one who wouldn t allow me to and Alameda County also wouldn t allow me to file The secretary of state was the lead opposition person and then he contacted the attorney general s office to represent him as his lawyer in the case against myself and Remcho

The case appeared in the federal court and it was heard before the judge assigned excuse me was Claudia Wilkins who as it turns out was actually a Berkeley person lived in Berkeley and was appointed by Clinton And we were very lucky to get her She was very thoughtful And we had a trial actually that took place where we presented our witnesses and the other side presented their witnesses in the case

McGARRIGLE Was the trial before the judge?

BATES Before the judge

McGARRIGLE Only? No jury?

BATES Yes only the judge And quite a bit of press was covering the trial because it was of interest to a lot of people what she would rule and what would be the outcome of this case because term limits were now sweeping the country There had been a

case before this case that actually made it in Washington where the state of Washington attempted to term limit members of Congress That case was also in the Ninth Circuit where my case was

The court ruled that states could not regulate federal elections elected officers and members of Congress and threw it out So this was a case that was sort of following that case And we presented the arguments I was on the stand and we brought extra witnesses to prove that had done research on the issues of whether or not if you re out of office whether or not it was a deterrent to being able to come back into office In other words we were trying to make a point it was too restrictive We actually had some really excellent testimony in that regard people who had done research A lot of it was done in the Congress where people

McGARRIGLE And were these political scientists?

BATES Yes political scientists from Harvard and other places and there were some people on the other side came from Claremont But what we found in the studies that were done in Congress following congressional people who had left the Congress and then attempted to return after one term out of office The research showed that people out of office for one term had no more leg up than any other elected official in the district In other words if you were a big city mayor you had just as good a chance of unseating an incumbent as you were if you were just out of office and running again or if you were a state senator or some other office Even though people knew the person they forget fast [Laughter] And you have a person a new incumbent in office and so when you run against the person in office it s very difficult to take your seat back

We had actually an example here in the East Bay where we had a legislator whose name was Byron Rumford who was an assembly member who ran for the

state senate and lost and then his seat was filled by another person by the name of John Miller who was then an incumbent assemblyman albeit only for one term then faced the reelection with Rumford who had been in his seat for a number of years Byron Rumford attempting to regain his seat back from his former aide Miller was his aide And Miller won and so he [Rumford] lost the seat

So it s very difficult even if you ve been popular and been in office for a long time It s like there s a new person in office you should give him a chance you know I mean there are a lot of arguments why we should keep the person in office rather than allow the person who left office to come back to that same office So that it was pretty convincing at least to me and ultimately the judge that that was the case That you could accomplish the same purpose [of getting incumbents out of office] by having people stay out of office one term or possibly two terms and then allow them the opportunity to try to come back in And the way the law was written lawyers would have to tell you better than this but this is a layperson s telling of it

The secretary of state when the issue was before the state supreme court argued that and the state court found that this issue could not be severed In other words it would rise and fall on the basis of the ruling of the federal judge So it couldn t be like this portion of the And you have to get the detail from somebody who can tell you exactly how this works but this evidently was the case you couldn t say that Well yes that s unconstitutional this portion about lifetime ban You couldn t do it it s too restrictive But the rest of it stays in place It has to be up or down the whole thing So we had attacked this one Achilles heel

Now the opposition came forward and they brought their testimony And it was interesting because one of their witnesses basically agreed with us that if they re out of office for a term that that would mean that in essence you had accomplished the same purposes of a lifetime ban I couldn t believe that their witness when under cross examination from our person from Remcho came to the same conclusion And so [it ends] and we have good feelings about the way it went

McGARRIGLE How long was the trial at this point?

BATES It was three days And there were closing arguments and it was really interesting Other than going to appear once for a friend and going just as a member of the audience I had never ever been involved in any legal trials up to that time and haven t knock on wood haven t been in since But that was the first time I was really exposed to the legal system in any personal direct way You know I was a member of the board of supervisors I got sued because they sued all members of the board but I never appeared in court and never did It was actually very interesting for me to learn all about how this judicial system operated

So then we waited for a ruling and then Claudia Wilkins ruled And she ruled that it was unconstitutional the term limits law on the basis that it was too restrictive just like we had hoped said that it was unconstitutional and then set aside her ruling she said because it s going to be appealed So even though she ruled that it was unconstitutional there was no effect of the ruling until it was adjudicated upon appeal So then the other side immediately appealed to the Ninth Circuit appellate branch and they formed a three person panel to hear the appeal And I think some scholars would look at the case It s my personal belief and I m

not a lawyer as I mentioned before but I think the secretary of state s representative the attorney general basically did a really poor job

And it really helped us that they either weren t prepared or didn t make the right arguments their testimony from one of their witnesses helped us it didn t hurt us and their arguments were not solid arguments Also they there was an amicus [curiae brief] brought in by the Pacific Legal Foundation which is a right wing group and they also presented arguments to the court And they also I don t think again this is through my lay eyes I don t think it was very effective either So their representation was not great from my point of view It was like that s what you always want to go up against poor opposition bad opposition The secretary of state then hired and I m sorry I don t have his name off hand but he hired a person who is a law professor at Harvard to come and help them on appeal write their appeal

And the nature of the arguments got changed What they argued was that and it s so obvious that they argued that the president of the United States by the Constitution is term limited to two terms And in essence if it s good enough for the president of the United States it ought to be good enough for these little legislators out in California And so they had made those arguments in the written briefs and then we appeared before a three panel judge And we were extremely fortunate to get two people it would seem like we were fortunate to get two people who are Democrats and who are considered to be liberal and a conservative judge to hear the panel the three person panel So we had presented the case

McGARRIGLE You don t recall the names of the judges? Was [John] Noonan one of them?

BATES No It was [Stephen] Reinhardt which I

McGARRIGLE I can get it out of the materials

BATES Okay put it in add it in And [Betty] Fletcher was a woman Judge Fletcher was And Judge Joseph T Sneed But the questions they asked were troubling that they asked were troubling They asked the issue about the lifetime ban and especially Reinhardt asked these questions about whether people knew they were getting a lifetime ban and what it meant It just got raised as an issue and then our side said Well we weren t sure because you know And so they then deliberated and issued an opinion which said that in fact it was unconstitutional so they still said it was unconstitutional which was good but the reasoning was they didn t agree [that it] was necessarily over restrictive they came up with a new reason and again this is kind of simplistically put but the reason was that the voters didn t know what they were voting for when they approved the proposition that they didn t realize that it would mean that their representatives would be barred for life [1]

This was like a buzz that went around because people said Well what proposition did they vote for that they knew what they voting for? [Laughter] You know? And so everybody said Oh whoa this is real I mean that was a terrible ruling for us So then the other side appealed for an *en banc* hearing which means that they d bring the entire membership of the well it s not the entire membership eleven members are selected from the Ninth Circuit to hear the appeal So it s appealed to the three person and then it s now appealed to eleven members *En banc* it s called So they came from all over the West The Ninth Circuit s huge It s Hawaii California Nevada Arizona New Mexico I mean it s all over Washington Alaska But it s considered to be the most liberal judicial area in the country for sure And it unfortunately gets reversed a lot or has in the past gotten reversed a lot by the Supreme Court

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1 Jones vs Bates 1997 WL 629807 (9th Cir Oct 7 1997)

Again I m maybe not being fair but at least half of them seem like their cases get reversed And the Republicans in Congress and others have tried to divide the Ninth Circuit I mean it s a big political issue and the Democrats don t want it divided So it goes back and forth So they brought in all of these people to hear the case *en banc* And they heard the case and they asked these questions that were not particularly good for us I mean the tenor of the time So then they wrote an opinion which said that it was constitutional and they threw out both of the arguments that it was unduly restrictive and also the issue that people the voters didn t know what they were talking about I mean that s what really caused them to have this meeting to agree to meet *en banc* because of this really sort of screwy ruling

And I think it would have been foolish to see the three person ruling go up to the Supreme Court They didn t want that to happen Now what was interesting was well we [didn t] know what would happen if we got to the Supreme Court with Judge Wilkins ruling Anthony Kennedy who was one of justices of the Supreme Court It was really sort of an unbelievable happenstance during the time about 1997 98 I think around 98 is approximately correct I was invited to go to a Big Game [football game between Berkeley and Stanford] brunch with Chancellor Michael Heyman who s the chancellor of Berkeley at his residence

You know every other year the game s at Cal and then one year it s up at Stanford So when it s at Cal they always have like a pre game breakfast and so they invite the legislators and other people to come to the breakfast So my wife and I went My wife of course is the mayor We go to this breakfast and we get our food and there re a series of small tables So we sit down at a table all by ourselves at a table for six

This other couple joins us The other couple is Justice Kennedy the Supreme Court justice and his wife who went to Cal with me and I knew her at Cal So we talk about things It turns out that he Kennedy had been asked this question about lifetime bans in a speech he d given at Stanford and he said that he thought that that was a troubling problem So he was on record So we figured that we had a good chance of winning He was a key person He was like his vote that we needed to win So we had breakfast and we didn t talk about it but it was really ironic and it was all I could do to I did say at one point that I was a plaintiff in that case but we didn t discuss the merits of the case But it was sort of ironic to be there

McGARRIGLE Did he acknowledge that he recognized your name from the case?

BATES I don t think he did

McGARRIGLE He hadn t been exposed to it yet?

BATES He hadn t focused I don t think it focused But it was sort of everything becomes personal at some level The guy was really pretty amazing so I should have used the opportunity [Laughter] But I don t know how to Can you lobby? I don t think you can lobby a justice I guess you can but I don t know probably not it violates the canons of ethics or something

So we then appealed the decision the *en banc* decision to the United States Supreme Court and we thought we might have a chance to have it heard but they turned it down They decided they did not want to hear it And so it was a process that started early in 96 and ended in about I guess about 99 So it was a long period of time And Remcho did a really good job I mean he had to file all these briefs and counter briefs and answer things And it was extremely expensive for him personally in terms of time and energy of his office I think he estimated to me

that he had put into it about a half a million dollars of time and actual filings He got some money back

But it was so funny because along the line when we were doing the case I had an opportunity to appear before the press There was a lot of press and interest And then when rulings would come out the issue was like this is the only office I d run for And then I was asked this and so it became a little bit contrived like saying Well this is the only office I really liked holding because it had eighty members But forty [state senate] didn t have enough members Forty s not enough At one point it looked like I was going to have an opportunity to run It was going to be found unconstitutional but I couldn t run in my own district You were looking at it briefly when we were talking before we started looking at some of the press [clippings] So at one point it looked like for me to keep the case alive I ll have to run in some other seat some other area I could run but I couldn t run in the current district And it was floated out that I was going to run in Contra Costa County or something which I would have never had a chance to be elected

And then I said Well maybe I ll run down in Oakland another district a companion district So there was all this buzz going around like I m trying to find a seat to run for Then suddenly I find myself being painted in the minds of some of the press and then I think the reporters and it reflected a little bit in their articles [but] I could really see it coming which is This guy Bates you know he just has to be in office and this is the only office and he s so pig headed that he won t do anything else And he wants to be in office so badly that he s willing to move to Contra Costa County to run against our beloved Republican assembly member

McGARRIGLE They lost sight of the

BATES Well because I was posturing I had to say that I m interested

McGARRIGLE Right

BATES You know And so it was sort of strange but it was really because of the case and just trying to keep it you know making sure that it was going to work out It was a good college try I guess As you know I used to always say I played football at Cal so I know how to lose [Laughter] Not with dignity But it was a good fight and I m glad we made it I just wish the results would have been a little different I think that right now as we speak in 2000 in June of 2000 the legislature has a proposal that may or may not pass because it s very hard for the legislators to get the gumption to go back to the voters with this issue But they have been doing a lot of focus groups around the state about this issue Because term limits I think most people would acknowledge has really been very harmful and we have the turnover they don t have any institutional memory All the arguments remain no institutional memory You have a bunch of neophytes and people looking for their next seat They re constantly raising money because in order to run for office you have to either be well known rich or have a lot money in the bank that you ve raised so you can be able to be considered serious right? A serious candidate

Right now their focus groups have found that people around the state have the view in focus groups now untested totally but have the view that term limits is a good idea They like term limits but they think that six years is too short and they think that eight years is too short for the state senate and that they think that the lifetime ban is also not right So there re now bills moving in the legislature to try to come up with a two thirds vote which would be a constitutional amendment which would then be put before the voters in November of 2000 I don t know if they ll make it or not but they are trying to put together a bill that will go back and say twelve years for the assembly twelve years for the senate

[End Tape 15 Side A]

[Begin Tape 15 Side B]

BATES The thing is with them friends who are up at the capitol is that the Republicans are still reluctant to vote for it because they particularly in the assembly they re not secure in the sense that they You know philosophically their voters are for term limits So they re afraid that they re going to be seen as out of step with the district They got there under term limits They got there because of the turnover and so in some ways you know it s good for them But as their term gets to the end the six years they change their minds It s amazing Even Pete Wilson who was for it you know thought at the end that it was too short the term limits He wished he had had another term Maybe there are some benefits [Laughter] to term limits The thing isn t all bad

So in any case as I understand it they re now fashioning a bill which would put before the voters the idea of having these twelve year terms available to state assemblymen and twelve for senators But they d have the to get Republican votes because they re saying that term limits should apply to local government as well So all local governments would be term limited for twelve years for any office So like I said council members school board So it s on the one hand it s one of these things you were talking about earlier On the one hand you might say Well great I m not a fan of term limits but this is better We could vote for people for twelve years It makes a lot more sense And I personally would have supported that

But then on the other hand then you suddenly say A whole group of people are now covered by the law

McGARRIGLE And in some way well not in some way but in ways it all comes back to Willie Brown Was he the precipitating personality?

BATES He was certainly the Yes yes He [really] was I don t think there was any doubt about it They wanted him out of there as speaker of the state assembly and this is the way to do it They couldn t get enough people elected to defeat him Of course the irony is that they do then finally elect more Republicans to the assembly and Willie Brown put them through a lot of gymnastics but they finally get him And finally he is kicked out he s no longer speaker and he puts in some puppet speakers [Those] puppet speakers two of them they get recalled Finally they take over and they take over for one year and then the voters put the Democrats back in control again when Willie Brown is gone He runs for mayor but the Republicans have gotten rid of him My last year my twentieth year in the assembly was the worst year of all Republicans were in control and we [Democrats] were a minority and I was not serving on committees I knew anything about or had any real experience

McGARRIGLE Why is it that other than Willie Brown as a motivating factor that Republicans are philosophically for term limits?

BATES I think a lot of them believe that they don t want professional politicians

McGARRIGLE They re suspicious of that

BATES They d like to have a citizen politician a person who goes and volunteers does this for a little while and then moves on I think that s it I think there s an innate belief that people who stay in office you know power corrupts So that if they re there for a long time they re going to become corrupted If they re not already to begin with they become corrupted And that you can t get rid of them and they stop listening They stop being reflective of the views of the district because they become secure and so they do what they want and not necessarily reflect the voters

Now the studies that we put before the Judge Wilkins in the trial showed that the opposite was true That what happened was that people who were in office for a long period of time became the most effective and became the best representatives They figured out ways of doing it and figured out ways of communicating with their voters figured out ways of passing things knew the system got more benefits to their district than other people It makes sense I mean it makes sense it s pretty obvious Some of these really old guys you know they re There haven t been too many old women but old guys in the Congress? I mean obviously it s a seniority system there but you know even though they re in their nineties they re still more effective than somebody who s just coming up because they know the place they know how to operate they have all these relationships they know the power points they know the movers the people who can get things done behind the scenes they know who s the people you can trust the people who you can t trust So they re much more effective and their staffs are usually better

The longer you re there the more continuity you have So it s an interesting argument but I think now people pretty much the opinion meters agree that six years is way too short and eight years is probably too short too So we ll see [1]

McGARRIGLE How interesting

[End Tape 15 Side B]

[End of Session]

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1 In March 2002 Proposition 45 (to change term limits) was defeated by the voters

[Session 9 June 14 2000]

[Begin Tape 16 Side A]

McGARRIGLE I thought it would be interesting following our discussion last time about term limits to have your observations about the way the relationships between Democrats and Republicans changed in your time in the legislature

BATES Sure Well when I first was elected in 1977 when I actually took office the Democrats had a huge majority we had fifty seven votes and the Republicans had twenty three So everything could pass that needed to be passed They already had a Democratic super majority They could pass any budget item that required two thirds vote for expenditure or the budget

So at the beginning Republicans were there but they weren t players in any real sense of the word But I did like some of them I mean it was two or three people that I gained some relationships friendships that lasted and endured over a long period of time One of which was an assemblyman at that time by the name of Ken Maddy who later became a state senator and was in office until he was term limited He was a very thoughtful and a very good ally on a number of issues over the years I think one of things that was good for me was that when I got in the legislature I did get some advice from some people Some of the advice was that you needed to not only look at the assembly membership but you also needed to make friends with people in the state senate because obviously there s a two house legislature and so legislation has to pass both houses

So I just sort of adopted the philosophy to try to treat everybody with respect everybody from the elevator operators to the people who were in office So I did not necessarily go out of my way to be friendly but I was certainly friendly And then as times changed and the Democratic majority dropped and more and more to the place of the last year the Republicans actually had a majority It became a necessity the relationships and friendships with people

I was lucky in that the issues that I worked on by and large were poor people s issues and disabled rights and people [who are] mentally retarded and Center for Independent Living physically disabled family issues and things of that nature By and large the Republicans weren t particularly interested until we reached the issue about family and then family had been an issue that they had sort of captured The Democrats were thought to be weak on family values which of course wasn t true but they had portrayed it that way and the press had seen it that way

So when I got interested in the 1980s in the issue of the changing family and that dynamic the Republicans became very aware of this issue and started attending meetings and sending people from traditional values coalitions which are read right wing you know church philosophy people were coming But my relationship with them was such that I tried to have good relationships When people on my committee when I was chair of the committee I always made it a point to try to include them as much as I could even though they would you know more than likely get out voted But I always hoped that we could get Republican support for our bills And then of course what happened was that the legislature we remained Democratic but the executive branch went Republican

So when early in my career George Deukmejian came in to be the governor he served for eight years and then Pete Wilson came in and he served for six of the years that I was in office So it became a necessity to have good relations with Republicans because if the bill went to the governor and the governor didn t see any Republican support particularly in Deukmejian s case didn t see Republicans were voting for it he would just arbitrarily veto it a bill without So it was like a litmus test He would look at the vote tally when a bill came to his desk and if he didn t see Republican votes he d say I m not going to sign this into law

And when he was first elected I was on the committee for Ways and Means and had the opportunity to serve on the Environmental Committee subcommittee as well as the Health and Human Services subcommittee of the budget And my staff and I knew a lot about both of those subjects and I had really excellent staff The governor submits a budget to the legislature and then the legislature works on that budget and makes changes to it The assembly makes changes and the senate makes changes to the budgets and then when both houses pass their version of the budget then they work out the differences in a conference committee and then it goes to the governor That s sort of a very quick analysis

Somebody said it s like a seven act play I mean it keeps going on and on with the final player being the governor who has the ability to line item blue pencil items out of the budget So what I did was I spent a lot of time working on each of those two subcommittees and we went through every item in the governor s budget and we changed it We made I think it was something like 123 different changes to the governor s budget And not only did we get it in the assembly budget we got it in the senate budget We made sure it passed the conference committee and it passed the legislature with these123 changes we made to the

budget And the governor went through and blue pencilled every one of these changes I think he missed one

It was pretty obvious you had to play their game And so I from my own standpoint for my own mental health I said I want off those committees because it doesn t do me any good to spend all my time and energy when the governor and I don t agree on these issues And the governor also when he was in office the first year because Democrats controlled the legislature it was possible to pass a bill and get it to the governor s desk and then see whether he would sign it into law The first year he was in office he vetoed eleven of my bills which I think probably was close to a record Later there was another legislator by the name of [Richard] Dick Floyd who set the all time record of vetoed bills He just didn t care He would just pass bills to the governor and the governor would veto them

So it became very clear that if you were going to play in this game you had to have Republican support So that actually enhanced the relationship because suddenly it was a necessity It wasn t just being nice to one another it was a reality And so I got to the place where sometimes I would introduce a piece of legislation and find that it was not going to go anyplace because the governor would either veto it or made it clear he was not in support of it So a lot of times then I started forming coalitions with Republicans and there were two Republicans who I worked with very closely One was Ken Maddy who was then a senator and then another senator whose name is John Seymour John Seymour was later appointed by Pete Wilson to be a United States Senator He was from Orange County and he was defeated by Dianne Feinstein later when he ran for reelection But he was appointed to United States Senator And he was very interested in disabled issues

When I found that out he was interested in the Center for Independent Living he was interested in the mentally retarded and some other issues that were close to my heart what I would do is work with his staff and we would come up with ideas and introduce them and then it would become Seymour Bates Bill And so my name never appeared as the lead author and the governor would sign it regularly into law The same thing was true of Maddy We worked on health issues and other issues so it was a Maddy Bates Bill And one of the funnier stories was that I introduced a bill about urban creeks This was a bill that would allow the state to put money from the Water Resources Department into the urban creeks to take basically creeks and cul de sacs and take them out and put back in natural state and people have the opportunity to walk along the side of the bank and see nature

The reason I got interested in this is when I was on [the] board of supervisors part of my district Piedmont Avenue was scheduled to have flood control and they were going to put in a huge culvert and put in a concrete culvert pipe down and I said No no I wanted to make it open for a creek to leave it in the natural [stage] And there was a group of people who lived in the Piedmont area of Oakland a community organization called PANEL they wanted a creek too So working together I actually got Alameda County which I think it was the first time ever that they used money for flood control to actually restore the creek This creek is still there And people walk along there and it s a really nice little pocket park in Oakland

McGARRIGLE Where is it exactly in Oakland?

BATES It s located just off of Fifty first Street and there s a little park right there off Fifty first and Clark which is just where Claremont comes into Telegraph

McGARRIGLE Yes

BATES [There] s a small little park there And then it parallels Piedmont Avenue and it s over one block from Piedmont on the eastern side and it runs along the [well] obviously the Berkeley Oakland hills drained down to the Bay so it s a major creek in the whole Piedmont area I think I m not sure what s it s called the creek I started to say it s Piedmont Creek but I don t think that s necessarily the name of it [It is named Temescal Creek] But that was the first time So I was interested I really liked that I thought it was a great idea and there was a lot of resistance in the board of supervisors to spend that money But it was my district and this is one of the things that the board of supervisors in Alameda County would allow was if you said Look it This is a project in my district and it doesn t affect you and it s not going to set a precedent or hurt your district in any way

So they allowed me to badger the guy who was the head of the flood control his name was Herb Crowe to do this project And it was fighting kicking and screaming because they said Oh there s going to be rats and there s going to be problems and people are going to do all sorts of terrible things Well luckily I was right It turned out to be a wonderful thing and still [going] So this idea was very much in my mind And then when I got to the legislature I found out that Brown had had (Jerry Brown when he was governor) had a similar program but it wasn t authorized or anything So I put in this bill to establish an urban creek program in the state of California

I put the bill in and I also put in money to fund it in the state budget so that you have money for the state to give grants to localities that would want to restore creeks And they had to have a community involvement component and it had to be educational so it wasn t something that would be without community support for the idea I put the bill in and I think it was like a half a million dollars to fund it

when it went into the budget The budget was passed before the bill got to the governor The governor when he came to the line item putting the urban creek money in the budget he blue penciled it out and so he struck the money from the budget And then when the bill passed the legislature [and] got to his desk he vetoed the bill and his veto message was There s no money in the bill to fund the bill Well he had taken the money out there was money because he struck it

So the next year I put in the bill again and I put in money in the budget again same strategy Now the rules in the legislature are that you can t introduce the same piece of legislation if it s defeated twice in a session So we made some minor changes enough to make it passable So I reintroduced it put the money in the budget The money in the budget survived the process got to the governor and he blue pencilled the money So at this point the bill is now working its way through the legislature but here he s just done the same thing again so when the bill gets to him he ll veto it because there s no money in the bill

So the bill got to the senate floor it had passed the assembly passed all those committees in the senate got to the senate floor And I went to a friend of mine who was a Republican assemblymember His name was Eric Seastrand We talked about the stock market and he was an old stockbroker And I didn t know much about the stock market so everyday we would talk about it and we became friends And so I said Eric I got this bill that you voted for (in the assembly) and it is now on the senate floor and I d like you to become the author of this bill and I ll become the co author so that way I have a chance of having this bill become a law He said sure he would do that for me We made an amendment on the senate floor which put Seastrand as the author of the bill and put me as the co author So it was the Seastrand Bates Bill rather than the Bates Seastrand and there were

other coauthors But it took me off the lead position That was the only change we made

Then Eric unfortunately had a heart attack and so he was in the hospital and he never appeared on the senate floor to help with the bill So I took the bill up you know got a senator on the senate floor to present the bill So it passed the senate Eric unfortunately is not around the bill then goes to the state assembly for concurrence in senate amendments And now when a bill comes back the lead author presents the bill on the assembly floor In other words you ve written a bill so you say This is what my bill will do I ask for your support And in this case you have to describe what the senate amendments were But when it was in the senate it was only amended to put Seastrand on as the author and some technical minor changes So we brought it back and he was not there He was in the hospital recovering

So I presented the bill The bill goes to the governor and he signs the bill into law So the Seastrand Bates bill becomes law and Seastrand never appeared anywhere All he did was say yes he would be the author of the bill And then he ran for reelection that year And he had a contested reelection he had a serious opponent And so his highlight for his legislative career was this Urban Creeks Bill [laughter] He pointed to it with great pride that he had been the author of this legislation

McGARRIGLE Now that just begs the question Is the governor aware that he s signing basically the same piece of legislation that he vetoed?

BATES Yes He knew But he likes Seastrand He doesn t like me It was like he doesn t want to help me in any way he could so he would go out of his way to get If it would have been my bill he would have vetoed it again

McGARRIGLE Regardless of the merits because obviously he was okay with the merits?

BATES Yes Regardless of the merits

McGARRIGLE Do you have any kind of personal relationship with the governor when you re in that situation?

BATES I didn t

McGARRIGLE Did you ever have a small talk with him or ?

BATES I didn t I never had a chance See he was in the legislature when I was there He was in the senate before he became attorney general And then from attorney general he was elected to be governor So I knew him a little bit but he just didn t You know he thought I was I don t know a communist or something You know somebody from Berkeley and was an ultra left wing I don t think he thought I was a communist but ultra left wing or something And he didn t agree See I fought him tooth and nail on his welfare reform I was not interested in building more jails I thought it would better to do prevention So I mean I was always a critic of his so he it was like he wasn t about to do any favors for me So during that whole time things that I would pass would be the Seastrand Bates bill or the Maddy bill or in the case of Seymour Bates I mean there re all these bills that had my stamp on it but I was not the lead author I did this bill around motor voters making it easier to register to vote at the DMV and he vetoed that I think three times or something And finally it became law because the federal government enacted it and now people can register to vote at the DMV

So it was hard One of the issues that I had that I was very interested in was the East Bay Shoreline State Park The governor was not interested in this park at all and his people were not interested in the park at all They wanted to sell it off to a

major developer So it was like a constant fight with the bureaucracy around these issues

McGARRIGLE And that gets to define what point does a geographically is covered by the park that they wanted to sell off?

BATES They wanted to sell what they wanted to do was and I hope we re going to talk about this later in this interview but in the area around Emeryville there s a small portion of land that you could build an office building on I had been successful in getting bond money park bond money set aside for the purchase of the land in the East Bay Regional Park District So what the governor wanted to do and his people not the governor per se they wanted to buy this piece of land for a park The land was owned by a development company This time it was called Catellus But they wanted to sell this land to the state for an exorbitant price so that the land value would go so high as a comparable sale that we could never afford to buy anything else So it was like double dealing They wanted something like seven million dollars for this land We eventually bought the entire park (eight miles) for something like twenty nine million So if you could establish this value and this was not even a particular a valuable piece of property but the real value was elsewhere and so it would have just made it astronomical what the amount the rest of the park would have cost

So we were able to stop that But I mean the point is it was like fighting the bureaucracy You know it was like a time to The only thing that we have is the budget We could do something about the budget Now we could cut the budget we couldn t add to the budget because if we added to the budget the governor could strike it the amount added But we could reduce But that was sort of silly because they didn t care about government programs anyway It was hard times So

it would be just trying to get the head of departments before the committee and then basically try to convince them or coerce them into doing certain things So it was a tough time A lot of times in my career I was lucky to be there for twenty years but I had the unfortunate opportunity of having lots of years fourteen years of Republicans in the administration I had to re tailor My relationships with Republicans kind of got better and better along the way

And then when Wilson was elected governor it was a substantial improvement for me over Deukmejian because Wilson at least was open to new ideas and open to suggestions about things And it was interesting because everybody wants it to be their program I had passed legislation that was called the PIP program Primary Intervention Program and it was one really very dear to my heart and fought for over years to keep it alive and keep it funded It was passed during the early years of Deukmejian It had an appropriation that we put in the budget but along the way the Deukmejian administration had suggested reducing the budget amount to a place where it was not even a possibility to function

And then my friend Ken Maddy came to the Ways and Means Committee with a bill that he had which had to do with asset forfeiture This was a bill when if a person was arrested for selling illegal drugs or involved in drug trade they would come in and take everybody all of their possessions The law later changed but they would basically take everything the person owned and they would sell it And then the money would go to law enforcement to buy new equipment and stuff So when the bill came to the Ways and Means Committee which I was on I said There s no money in here at all for prevention And there wasn t a nickel in there for prevention So I forced on him forced is overstated He accepted the idea that money should go to the Primary Intervention Program So we got money from the

asset forfeiture for years and years That was a funding source for this Primary Intervention Program

And these children are normal children quote unquote normal children These are not kids who are mentally disturbed or mentally disabled These are normal kids who are having a problem And in about 90 percent of the time the problem is there s been something happening at home a divorce alcoholism loss of job change of location move So the kids are reflecting that in their behavior Then they d take them to a room and the room is with a special friend which can be anybody could be a college student a retired person could be a person of the same race or different race it could be it doesn t matter It s just somebody who s there for the kid And what they do is by and large in the room is just listen to the kid and let the kid play And it s just there s someone who gives them love and no judgments about the kid This program is like phenomenal the results

Let me just tell [for a moment] about it [about] the program It s a wonderful program It s a program where kids in school focused on kindergarten through third grade even though it could go further Teachers are trained to identify kids who are either acting out or who are withdrawn and are having some kind of a problem that becomes obvious to the teacher They get the permission of the parent to work with the child and the child is then removed from the classroom and they go to a special for an hour a day once a week and then they d go to a place that is prepared in the school that s like a playroom And they then have a special friend someone who works with the child under the supervision of the psychiatrist or psychologist

McGARRIGLE And it s a state run program?

BATES It s a state funded program that goes to the school district and then they set it up

McGARRIGLE Is that school districts throughout California? Do they apply individually school districts?

BATES They do Each school actually applies and then they were given like a three year grant And then what was phenomenal is this program about 85 percent of all schools continue to fund it out of their own general fund not from the state grant at the end And it s been phenomenal It really works And they follow these kids for twenty years and they found that they don t show up in the criminal justice system they do better in school They go on to college It s unbelievable It s just somebody who s there for them for an hour approximately maybe probably more like forty minutes a week Just somebody there focused totally on them and trying to just give them their attention And it really makes a big difference It s been studied by people all over the world

McGARRIGLE And let me just ask you back to that how did you come to that?

BATES What happened is that I was chairing the Mental Health Committee subcommittee and I was trying to figure out what we could do for prevention And then I heard about this program in Berkeley that was similar When Berkeley integrated their schools in the 1960s they had a similar program to try to deal with some of the issues around the integration They voluntarily bused people from their homes to other parts of the town other parts of Berkeley And so then there was a program that I heard about in Rochester New York that was called the Primary Intervention Program And they heard of my interest and they invited me to come back to Rochester So I went back to Rochester and saw their program and it was very similar to the ideas that I had And so we basically accepted their model and I brought it to California that s the model in California It s still going on it still exists but Wilson he got in and they changed the program They get in change the

name of the program and they made some minor technical changes so that it wouldn t be seen as my program It would be Wilson s program But that was nice

Suddenly it went from getting money from the asset forfeiture to a ten million dollar a year appropriation And now it varies but it s about twenty million So it s actually really all over the schools

McGARRIGLE And it survived all those administrations

BATES It did survive thank God it survived Deukmejian And then when Wilson came in they liked the program a lot It was a volunteer component working with kids in a setting So rather than admit there were whatever acknowledge that it was something that a Democrat liberal Democrat had done they went and renamed it and made a minor change and called it a different name but it s still the program It still exists Then Wilson was very interested in the other ideas I was involved with In fact he had When at one point he was running for president he pointed to four different bills that he you know things that had done and three of the four were things that I had originated And so the creativity they liked the stuff that we were involved with It was really kind of amazing that he was taking my ideas

What I would do then is to step back a little bit and let somebody else be the lead author and then it would go through It was interesting But at least they were willing to think about things where Deukmejian was just anti Bates anti anything I came up with So I had to have a Republican be the lead author to get things I really wanted through And with Wilson I could at least have my own name on it [laughter]

[End Tape 16 Side A]

[Begin Tape 16 Side B]

McGARRIGLE Do you recall what three of those four ideas were that Wilson

BATES Let s see if I can remember My gosh Well one was clearly the PIP bill You know I m going to have to come back to that I m sorry but I They were all social bills that were dealing with family issues and so he liked [them] I m sorry I can t answer that

McGARRIGLE Not at all It s an interesting turn of events that occurred with the Republican governors out of the necessity the relationships that developed with Republicans

BATES Right You know it was a necessity It was a marriage by necessity to get support from the governor And then the other thing is I learned pretty much was that you had to have that buy in You really needed to have a wide swath of support for things to make them really work One of the issues that I was involved with when Jerry Brown was there was this community residential treatment system for the mentally ill And this was a wonderful program that we put in place and we had money available from Jerry Brown s administration And the money came we were able to get appropriated even during the Deukmejian years

But it was resisted by people They didn t like this program They didn t like the idea that it would be nontraditional that it would not be run by psychiatrists And so we had a lot of trouble It was a really good example It took probably ten years before people finally understood what the philosophy and what we were trying to do and had acclimated themselves to thinking in this way

And if I would have had them at the table and had them negotiating it might have taken a long time but it wouldn t have taken ten years And then other things I passed without having really buy in it was the same thing It was resistance in the system when people say No no We re not going to change So it became clear to me that even though it was more painful and harder to pass but it was important to get a broader perspective in bills

I really learned that lesson that it was important not to just pass something because I could pass it but it was more important to get people to agree to it and understand it and have a larger buy in not just coming from one place but having a center right kind of examination and still hopefully acceptance of them

McGARRIGLE Last time we touched on welfare reform and the situation around Art Agnos supporting the bill going through in one day And you said it would have improved the situation had there been more time for evaluation

BATES Yes I think that s true What happened was it was really disheartening because I was just run over like a Mack truck I mean it was just they decided this Willie Brown bought into it and the governor s people bought into it and Art Agnos was a really incredible legislator He was somebody who would spend hours talking to you about an issue I mean he would come and spend two hours three hours with each member of the legislature It would take phenomenal commitment of time to do this And that s what he did He worked this all the time And so he was able to steamroll the bill through the legislature

His point to me was Look it You would have never been able to pass it [And] he thought it was a very good bill His point was We ll pass it and then you can change it later And that s what happened actually If it would have been more thoughtfully put forward I think it would have been better It would have been maybe more difficult to pass And so once it was on the books we still kept pushing trying to improve it That s one of the things I learned just that things are never over The fights are never over You may win today you may even get your way in the law but somebody will change the law next week or next year or two years from now So it s constant vigilance to look after these things to make sure that they don t get changed [Laughter]

But Agnos left when he became mayor of San Francisco and myself and Diane Watson Senator Watson who were the principal critics we kept fighting to change it And so we kept chipping away and got more transportation money got more child care money and got other things that we thought were important in the bill as it went along the line And then the Deukmejian administration to their credit they did see that things could be improved From the front end if it had taken longer it would have been more difficult to pass more difficult to get the Because the Democrats I think if they really would have looked at it would have never gone for some of the things that Deukmejian wanted some of the meaner points that he wanted to have in the bill They would have had trouble passing it If they had allowed light of day the constituencies would have made it difficult for them to vote for it and so it would have been harder but also in the pass boom [snaps fingers] quick Well I didn t really know that was in the bill or If I had known that And so it gave them some excuses

Or this was a delicate compromise and I didn t like this part but the other part was overwhelmingly you know made me want to support it So that s why he did it so quickly They thought if they had delayed it would have fallen apart We d have picked it to death I think that s right We would have So it passed and then it got modified And then of course the federal government passed welfare reform requiring the states to conform to their plan or come up with their own plan And a lot of it was based on California s efforts and some other ones Wisconsin and other places that had experimented with this approach I think that California has a good program that still could be improved

The critics like myself and others I think have been proven correct that you need to have this structure to help support people I mean you need to have the

child care and you need to have the transportation You need to have the training and you need to have the job information and you just don t send somebody out for a job without preparing them or helping them think about it And it s also true that it s harsher than I would have wanted in terms of forcing people to go look for a job and cutting them off for a certain period of time And it s worked I mean we ll have to see in the long run how it turns out but short run it s been very successful The welfare rolls are way way down You know like in half So the people who said Yes if you force people it ll work were proven right I m very skeptical about that but we ve had a great economy and the last few years have been just like an incredible runaway economy which we all need for people to work

So the question will happen when you get to lean times how it will work I guess what I m saying is that where they forced it it happened meant that it occurred but once it occurred we then were still able to chip away at it and make it better but it s not great from my point of view And then what happened of course I was out of the legislature when the federal legislation was passed and then my longtime assistant Dion Aroner who was my chief of staff and was a principal consultant for the welfare committee became the chairman of the committee that I had the Human Services Committee And she actually negotiated in a term limited environment where people didn t know anything about the issues or any of the things involved The welfare bill that was signed into law by Wilson which was a compromise and she negotiated the whole thing through the process and then voted against it her own bill which was kind of amazing She voted against something she negotiated because she couldn t support it Her constituents But she got the best deal she could get within she thinks the parameters of what was possible

McGARRIGLE Is that quite unusual? To vote against your bill?

BATES That is quite unusual

McGARRIGLE She did that because she personally no longer supported it or only because her constituents didn t support it?

BATES Well it was pretty masterful She was able to tell people up front that she probably could not vote for this bill It was in a term limited environment such that people didn t know the issues and she clearly knew the issues upside and down the other So she could explain them She could point out the problems So she spent a lot of time with people crafting you know giving them education because again this was everybody turned over or they were in the process of turning over I think by the time it passed I don t have the statistics but I would guess that 80 percent had turned over

So people didn t know the issues So she had to talk to them about what was going on And the leadership had her do this be a point person to negotiate Now I think what she actually did was I don t believe it was her name I don t think her name was on the bill wasn t Aroner she was not the lead author And her name did not appear as a coauthor But she actually I think if you d talk to people in Sacramento and look at the history she had negotiated it because she knew so much about it the deal for the Democrats And then ultimately they signed onto the legislation and she worked out the compromises with the Republicans And then after she worked it all out she still said This is not a good deal from my perspective for my constituents So she voted against the deal that she put together

McGARRIGLE I see

BATES Now that s unusual When I was there we d have a negotiating meeting and people would say Now if we negotiate this will you vote for it? And you say No I m sorry I can t vote for this bill because it s got this provision in there And they say Well if we remove that provision could you vote for the bill? And if you said Well really this is just an idea that I can t support Right? I can t vote for it no matter what Then they say Well there s no reason for you to be here You can leave the room because we want to work with people who can actually fashion something that they can vote for And if you can t vote for it then we don t want you to negotiate So if you have a position where you re you know there re certain issues that you can t compromise on I mean people believe that a lot of times a bill or an idea will be such that the public will identify it and it doesn t matter what the modifications are to the idea they still are never going to agree for you to support that bill

Well an example would be maybe that it s an extreme example the death penalty I mean if you believe that the state shouldn t take the life of a person that you should have offered life without possibility of parole and that s your position then you re really You know they re talking about saying Well should we do people who rape ten people and have a gun at their heads should they be executed? Under what circumstances would you say you should kill somebody or have capital punishment apply? And you say Well really philosophically never You should have life without possibility of parole Then when we re negotiating how many times the person has to you know if you kill a police officer should you have a

And so it gets to be at the place where you can t compromise And if you can t compromise they don t want you to be involved And Dion I think made it pretty

clear to people that there were things that she couldn t vote for but they were in the bill and she thought that that was the best that could get in the bill and so she just continued to negotiate Usually when you say I can t vote for that because this is in it they say Okay you re excused

McGARRIGLE Really?

BATES You re excused

McGARRIGLE What was different maybe her experience was what was different?

BATES Yes I think the difference was her experience and as we talked about the fact that nobody else knew the issues

McGARRIGLE So that s it You meet the term limit situation on many fronts I mean one that she was new but really not new to the capitol and then all these other people were new

BATES I think there s maybe some exceptions to what I ve said there which is that people have incredible knowledge of the issue and are respected for their knowledge of the issue

McGARRIGLE Some expertise you mean outside of their elected office?

BATES Yes or gained while they were in elected office you know held hearings and did all kinds of stuff around issues Like I became really an expert on the changing family in the 1980s Deukmejian was there he was the governor And I was trying to figure out what I could do to be productive with my time I had hoped that I could hold hearings and work on the issues around family and then have an agenda that could be ready for my hope was that there d be a Democratic governor at the end of Deukmejian s term And we d actually have some ideas and some things fleshed out that we could present and be ready to pass in the event that we had a

more favorable governor And so I spent a lot of time We set up a joint task force between the assembly and the senate I got the senate to also be part of this

And because it was a task force and because it was a legislative effort it didn t require the governor s signature on a bill We could establish it ourselves without the governor being involved So I put that together with Diane Watson Senator Watson and citizens were appointed and members of the legislature and we held hearings all over the state and actually learned a lot about families and changing families Well we knew because we had been there before about women and poverty around feminization of poverty When we did that issue when we studied the issue of women and poverty we felt that we d probably focused too narrowly that we should have taken a broader swipe we should have looked at the family not just the woman in the family That alienated the men and didn t really include an integral part their children and their parents and all of these sandwich people who are taking care of the kids and their parents and the pressures they were under and what the state could do to help families assist families with these pressures So it was very good

I had some really excellent staff people A woman by the name of Elaine Zimmerman was the principal staff person And she left after the study was over she actually moved to Connecticut where she heads up the children s issues in the state of Connecticut in the legislature there Been very successful continuing with her work So backing up just a step What happened with the feminization of poverty was we got involved with those hearings and then we realized we wanted to have a political arm that would be involved supporting it So we got involved with the Women s Equity Campaign

MCGARRIGLE And that program was based out of where?

BATES Well it s in Oakland Women s Equity Project It was to try to get women to realize that these issues were there and that they needed to register to vote to be involved in the political process

McGARRIGLE So it was a city based program?

BATES It was basically a nonprofit that we got started

McGARRIGLE Oh that you started?

BATES Yes which I helped start You re involved with trying to get women to be more political It was actually one of the more successful things that we were involved with because we helped organize And then we had a poster that said Two Out Of Three Women Are In Poverty And What If They Went To The Polls? And then more and more over the course of time obviously women and their issues became a dominant factor in the Democratic party The Democratic party registration is like 56 percent women in the party and it s growing And so they basically can Of course we now have two women United States senators and as a voting bloc it s a very powerful group

So we tried to organize around these issues of women and poverty and then helped start a nonprofit to be involved with It was actually a 501(c)(3) so an educational campaign and then other things spun off Bella Abzug was involved in it a number of national prominent people were involved in it And Elaine Zimmerman was a main force in the women s economic campaign And then she became the principal consultant to the issue of family in the committee So she left her adversarial math and became a legislative aide We had this wonderful document that we came up with around the family everything from their needs around child care to their needs for family leave And a lot of these ideas actually became legislated over time

Particularly family leave was one and then the issues around health care and other kinds of issues that we have been able to put forward around children and family So it was trying to occupy our time with something productive hoping for a transition to a Democratic governor which didn t happen we got Pete Wilson But he was more receptive to thinking about those issues But I became an expert on family so when things would come up about families we would be called on I would be called on to help And the Democrats were also politically smart the Republicans had taken that issue Republicans were seen as being really tough on crime and tough on freeloaders and welfare and supporters of family values

President Clinton was able to take back all of those issues plus whatever other things the military too But it was hard People when they think about families a lot of times they re thinking Republicans are supportive but Democrats were for easier divorces or something and more child payments and stuff like that That was one of the things we worked on with the changing family was the issue of child support and making sure that women actually could receive the child support A lot of people were not paying And it wasn t just poor people It was doctors and lawyers and all kinds of people were not making those payments So we tried to [tape interruption]

McGARRIGLE We were talking about some of the concrete issues that impacted families directly In summary what did you find about the way the family had changed? How was the family different?

BATES We found that people were working a lot more and having less and less time for family issues in terms of providing guidance for kids The pressures on family one of the big pressures was that women had entered the work force out of necessity in a lot of cases to make the economics work So as a consequence there

was just less time for the children and their parents and so they were under more and more pressure to deal with their personal life and their work life That was the biggest problem was trying to figure out how to give them some assistance Family leave was one of the things that we really hit upon was the idea that people should have time off the time the child is born and the time when parents were ill The child part has now become federal law We never could it get through the Republicans and the California manufacturers and the governors the Republican governors to make it to be able to pass the law

McGARRIGLE Did the feds look at California or the work you had done when you anticipated that program?

BATES You know I don t think so Because at that point it became Our information was actually spread around the country and I actually had a chance to be the chair of the committee on family and welfare of the National Association of State Legislators So I was able to fashion the policies that the states took up when they negotiated with the administration and the Congress about various welfare reform and family issues But the problem was pretty widespread and President Clinton when he was a candidate spoke about the issue and he knew that it was a real issue with people and it wasn t something that was manufactured as a wedge I mean it was a true concern of people And so he was able to get that first part through and the Congress supported that

Of course he did that right away when there was a Democratic Congress We had two years when he was in office before the Congress went Republican So he was able to get that through right away in his first few months in office to fulfill that campaign pledge But then he still even today in 2000 in June of 2000 has not been able to get family leave for taking care of parents sick parents and things

of that nature which is a big stress for people The other problem is that women a lot of times because of family obligations are in and out of the work force So it s real hard for them to get a pension and to build a pension So if there s a divorce or something and they re not thinking about those concerns they end up not having any resources at the elder part of their lives So that is a big issue

We also got very much involved with the issues of crime and violence and things of that nature which went in another direction for me which was an interesting thing for me What happened was As I was in the legislature three strikes you re out idea came up for a vote where the idea was that if you did three crimes or felonies you would go to jail for life twenty seven years without possibility of parole And this was an interesting issue that got brought up as an initiative that people were circulating because a person s daughter had been killed by somebody who had been in prison and had a prison record The fellow felt that this person was dangerous and shouldn t be in society under any circumstances So the idea was three strikes You know if you get three strikes then you re gone you re not coming back And of course the second strike puts you away for a long period of time without the judges having any discretion

I felt a couple of things with the two strikes I felt that three strikes was way too many There should be one strike and then we re going to deal with the problem surrounding what caused this to happen A lot of times in our system particularly with young children or teenagers there are symptoms that are on the way to being problems for society and they re there right away And the fact that we close our eyes and you don t prosecute until they ve done something three times or something I felt was wrong We should try to catch people early on and try to deal

with the problem try to turn them around rather than incarcerating them for a long time on their second or third strike

And so I was a critic of the three strikes plan but I thought I needed to be more than just a critic I needed to do something real about the issue so I had this idea of starting what was called the East Bay Public Safety Corridor And the idea was that my wife was the mayor of Berkeley Elihu Harris was a legislator who had become mayor of Oakland and I knew the mayor of Richmond because I represented Richmond was to try to get the cities to recognize the fact that crime and violence honored none of the normal boundaries it doesn t matter You know people will steal a car in Oakland and commit a crime a robbery in Berkeley and then sell the goods in Richmond And that those three jurisdictions weren t really talking or thinking about that And that we can have an overall program that would cover everything west of the hills the East Bay hills

Alameda and Contra Costa Counties run from the San Francisco Bay clear across the hills to places like Brentwood and Walnut Creek and Mount Diablo And Alameda County goes from west of the hills all the way out to Livermore

[End Tape 16 Side B]

[Begin Tape 17 Side A]

BATES to San Joaquin County and Tracy practically People in Oakland have much more in common with people who live in Richmond which is in Contra Costa County and west of the hills than they do with people living in Livermore or Pleasanton which is east of the hills or people living in Richmond have more in common with Oakland than they do with people who live out in Walnut Creek or Concord And the hills are a natural divide That people tend to live and move instead of going east to west which is the way the counties are they tend to go north south So it

was much more logical to work with local governments on this side this side being the western side of the hills And my contention was that if people were to form government today they would say Let s do it more logically and everything would be on the western side of the hills and then the eastern side would be their own counties But for historical reasons they were drawn the way they were

The idea was to get all these jurisdictions particularly the police and the cities and the schools to concentrate on the issues of youth crime and violence So we put together an agreement which was between Richmond Berkeley and Oakland to work together across boundaries and to work on these issues collaboratively and to meet and form a volunteer organization and to seek funding to allow them to work collaboratively And once we got started with this other jurisdictions said Wait a minute We want to be involved in this too And we knew that we wanted to have the schools involved The schools because they were a principal player in the strategies they needed to be involved And it turned out that Richmond the city of Richmond is part of West Contra Costa Unified School District which I named I m responsible for that long name which is another story [Laughter] It used to be the Richmond School District but it includes way more than Richmond It includes El Cerrito it includes San Pablo Hercules Pinole and places called El Sobrante which is a part of the county So it wasn t just Richmond it was all of these other places

When we had the schools only in Richmond people said Well yeah but I live in El Cerrito so why can t we be in? If we re taking the schools you got to bring in the whole district So it suddenly became much larger The scope of the project became not just Oakland Berkeley Richmond it went all the way from the Carquinez Bridge all the way to Milpitas And what happened was people wanted

in We couldn t keep them out practically They had this romantic idea or false impression that we were going to get it together and we were going to successfully deal with crime and violence which meant that the crime and violence would be pushed to their communities which of course didn t happen But I was involved with the mayors so we had all of these cities We had eighteen cities two counties the state government and federal were involved in it we had the school districts the police force the special districts all working together And the idea was to work on the issue of crime and violence to reduce family violence with the strategy that crossed city and county boundaries [tape interruption]

The reason that this was possible was the fact that the Clinton administration had been elected in 1992 and the Clinton administration said they wanted to see people work together and they wanted to see collaboration and they wanted to see public and private collaboration So in the past the culture had been that each city and each county had fought each other over grants So they were always competing with each other So now we suddenly have a different culture We re saying No no If you want to get federal money you have to work together You have to show that you re going to work across lines and I was

McGARRIGLE And you were the organizing body

BATES Yes And I became the chair and then I became the co chair with Barbara Lee who was an assemblyperson I always found it best for me to work with other people So I tried to bring in Barbara Lee so it would be a man and a female She was African American and I was white It just made a lot more sense to be working collaboratively at the top too not just through the structure

McGARRIGLE Because that was the committee that came out under the auspices of the legislature Or it was more locally

BATES This is self started Loni helped me immeasurably I mean we worked on it one weekend and we wrote up this whole concept about how we could work together and how we could get our strengths to come together we d work across lines because people realized that they Like Contra Costa County and Alameda County had less communications than the country of France and Germany I mean it s like they hardly communicated They could have a kid who would be in terrible trouble in Contra Costa County Richmond and then spend the weekends with their father in Oakland Alameda County and have problems in Oakland and they d never know the two cities would never talk People would have five or six different social workers You know they d have a welfare worker maybe somebody who s looking after them for AFDC [Aid to Families with Dependent Children] they could have a truancy person they could have a person assigned from probation and they never had any clue that this might be going on in the neighboring county

Also another idea the philosophy was that about 10 or 15 percent of the people were getting about 85 percent of all the resources Our public resources were directed to these people Yet we were so disorganized that we never could determine what services were being provided in terms of being able to have a plan a coherent plan to get social workers to work together So I was involved with bringing together the county and city social workers convening people And that s one of the things that s really important about being in public office is the ability to convene to get people to come to meetings and work together

So we would come together and we d say Okay here s the problem truancy kids not being in school We want kids in school So we d be able to convene the people who would be relevant to that issue and then have them discuss it and then

try to come up with strategies that they could work upon together to try to solve the problem And as a member of the state legislature I could call the meeting and they would come They worked their agendas so their meeting times became a higher priority and they might cancel something so you could actually bring people together to the table

McGARRIGLE And was there a motivation for them also in terms of real possibility of federal grant dollars under Clinton?

BATES Exactly

McGARRIGLE And some of them applied for and received money?

BATES Yes First thing that happened is Clinton had a proposal which had to do with school to work It was around work force preparation And so we tried to get people to go in together and apply together They didn t and they all turned in their own individual application And they all got turned down So we said Look you know there s another round Let s go together Let s put in our proposal together So the schools at that time the superintendent the county superintendent was a fellow by the name of Augie Scornaienchi and he helped me he was a part of helping put the corridor together So he took it on and they put forward a proposal and they got a five million dollar grant Then we heard about a possible designation that we could get that the Clinton administration had set up five cities as sort of pilots to deal with some of their issues around crime and violence

So we went and tried to become one of those pilot cities And the Clinton administration said that they weren t going to expand the cities but they were going to have another opportunity for us to become comprehensive cities And so we applied and we got selected We got selected by the Clinton administration and we got a grant for like two million dollars to help us set up communications

between the police forces to set up youth academies and do a whole range of things And I was lucky that the corridor project office was in my office My district staff and myself were really focused on making the corridor project go It was like a hands on thing And so they used my telephone and my xerox I was the chair I was the co chair at one point but in actuality I was doing all the work All the work was being done out of my office and then we had a professor at the university who has had a lot of prestige in this area and knew a lot about crime fighting strategies His name was Elliot Curry He became our grant writer and wrote successful grants

And then Elliot really was not interested in implementations as much as academically studying the problems So then we hired another person by the name of Henry Gardner who was a long time city manager for the city of Oakland He agreed to be our interim executive director and he was really good He had great respect among all the city administrators So suddenly everybody s coming to the table because just like you mentioned earlier they wanted to be part of the game because they could see that we were getting money And then we received a big grant from a coalition of foundations that were interested in dealing with crime and violence We started a very successful program around the corridor area which dealt with truancy And the idea there is that during school hours kids should be in school and if they re not in school we want to know why they re not in school What s going on? The police It sounds easy but kids would be picked up at various places in the community and then taken to a place where the schools would receive them

And we found these kids were from everywhere These kids were from Chicago or they were from Los Angeles they were from all of the United States

and the world practically and they come with all these problems the runaways There was a reason that they re not in school They haven t done well they don t have the tools to compete or they have been passed through the schools and suddenly find themselves unable to deal with the work And so they act out and are on drugs and their parents are split I mean you name it There were problems But we actually had been able to put in place and we did get a grant that helped us in West Contra Costa where we actually have a coordinated program where the police have a place where they can take kids the kids needs are assessed we have follow up working with the parents The West Contra Costa School District gets the ADA the Average Daily Attendance money for the number of kids who are returned to school

It s been very successful The program has now spread to southern Alameda County to Fremont and Newark they have really a successful program Oakland s has been more difficult We have one site that s open in Oakland but it s still five years later Well actually we started this in 93 94 The idea was in 93 And it came into being around 93 94 So seven years later Oakland still hasn t been able to put it together but they re working on it It s something that s coming along The other strategy was to try to teach to the extent possible conflict resolution and dispute resolution in schools And so that has been adopted pretty much in a lot of the schools Not all of the school districts have programs but most of them have something about respect for other people and other kinds of things that would come into play And then we d focus on after school

I had legislation that was put in Sacramento that we called the second shift The idea was that we re not asking the teachers to do it more but we wanted them to work with the next group to have cooperation but have a whole group of other

people come in and use the facilities So the bill that I have it gained a lot of support but I left and it was never adopted But it later was adopted about a year after I had left the legislature states started funding after school programs So we now have after school programs throughout the corridor You have to have a certain percentage of kids that are poor but then you qualify You can get state money for after school programs

We studied our community and found out this was in 94 we were able to gather the crime statistics for the first time The police departments cooperated and gave us the information We found that youth crime and violence was taking place between the hours of three and six And so we were the first community I think maybe there was another but we were certainly one of the leaders with this study to show people this is the problem time when kids are out of school So we wanted to have after school programs for the kids

Then we also started Healthy Starts which is a youth program dealing with family and kids and is an after school program with parent involvement So we started that The corridor had money so we helped school districts hire grant writers So we probably have more Healthy Starts programs than almost any area We figured out at one point that I don t have the exact statistic but it was like twenty million dollars came into our area because of the new partnership the corridor had put together It s over time and has been exceedingly successful and youth crime dropped way down It was this huge success Now in the nation it s also gone down But violence has gone down but with young people it s still high In our area we were substantially lower We funded gang work There were a group of people working in Berkeley and Oakland around Asian problems with

kids and Asian gangs and they expanded to Richmond where there re lots and lots of kids And then to Union City

McGARRIGLE Did the original group that started out of your office with your staff did that become a nonprofit that stands alone now?

BATES It did We were very lucky What happened was we formed a nonprofit and we went to the East Bay Community Foundation I was dropping off something there and then I ran into the director his name is Michael Howe and a friend of mine who was on their board of directors I was telling him about this project and we were just trying to figure out what sort of shape it would take legal shape it would take Because we didn t want to give it to a city or a county because of the bureaucracy and then other cities and counties would be jealous of the fact that they didn t have the money

So Mike Howe said that he would be willing to take on the administration of the program and we would be a project of theirs of the East Bay Community Foundation and that sounded great to me They didn t charge us anything And then not only did they not charge us anything they loved the idea and they gave us a $60 000 grant So they not only became our fiscal sponsor and did all our bookkeeping and all of the payroll but the employees of the corridor were actually employees of the foundation So it was really a great relationship

It s fallen on some hard times over time because two things happened One was I was the chair and served in the capacity as the founding chair of the corridor project but new people came on board The mayor of Berkeley Shirley Dean started playing a major role and historically we ve not had good relations So she basically doesn t want me to be around even though I was the one who started it So more and more I ve sort of pulled back If an idea is good and it s a successful

idea it should be able to be passed on and you should be able to withdraw and it should go on its own

The new executive director there is good So things change in the sense of the leadership But along with that leadership change one of the problems was that see when I was the chair and Barbara Lee was the co chair I represented Contra Costa County I represented Richmond San Pablo El Cerrito Berkeley Albany Oakland were in my district So I had to be concerned about all of those areas and the county of course Two counties were in my district The special districts the bus district the BART district were all in my district So I had to have concerns about all of them I didn t come from the lens of city And so suddenly we had the mayor of Berkeley being [tape interruption]

The mayor of Berkeley Shirley Dean became the chair And so she saw things through the eyes of Berkeley And the mayors of Richmond and Hayward also started playing a big role So they also were thinking about cities And so it s been more difficult because a lot of the strategy was through schools And so they could work on their own schools but they didn t have the kind of clout to work with school districts that are out of their area

And another thing was organizationally the board of directors that we put together was such that we had police chiefs city managers superintendents were all represented on the board of directors the corridor council it was called And it was such a large area that we broke it in thirds northern Alameda County Oakland down to Hayward had one representative one mayor one police chief one city manager one school superintendent And that would be replicated in the southern part of Alameda County and then Contra Costa would have the same

So we had ended up with state legislators there were two legislators on the corridor council There were three mayors three city managers three superintendents three police chiefs and then we had two counties The county had their own structure for education So we had the two county school representatives And then the representatives from the foundation And then they brought in public members So it was hard organizationally It s a fairly large group And then there was an executive committee where a lot of decisions were made

But one of the things that was interesting was that when we d have the meetings the city managers police chiefs superintendents are used to being deferential to elected officials They don t argue with elected officials They may not agree with them and they may be passive aggressive but so the mayor of Richmond as an example and the police chief of Richmond are not going to disagree If the mayor says it s black it s black right? So it was interesting We had these meetings and suddenly I realized that none of these people were talking because it was like they re not used to answering questions they are used to presenting material

McGARRIGLE And they came up through certain hierarchy probably that they re comfortable with

BATES Right and a certain philosophy that they [own] you know and they don t argue disagree with people I mean you don t say Your idea s stupid or something that s not very tactful Disagree with people they don t disagree There was that problem So that s sort of the governance problem The most severe problem of all was that the Republicans took control of the Congress and no longer did the federal government give grants directly to local jurisdictions They went to more block grants to the states And then the states of course in our case was

Republican controlled and they weren t particularly interested in this ultra liberal area If you look at the voting patterns and philosophy and polling data these people pretty much agree on everything I mean it s really an incredible area and heavily Democratic so they weren t inclined to help

So the funding became much more difficult and the idea of collaboration was no longer as important So then people go where the money is The golden rule He who has the gold rules So they all went pretty much back to their own ways It s real hard to get them to cooperate again But it s a very good idea and that notion was that it was a reinvention of government The idea was that you would work around particular missions and programs You d decide that this is what you re going to do together and then marshal your resources together to do that

And then one of the ideas that Wilson and I mentioned earlier that I blanked on one of my things that he took credit for was I did legislation which called for blended funding which means that you d take the money all of the state and federal money and you could blend it together and then use it around specific planned spending So rather than having it categorical you know that you can get the money if you re disabled or you re left handed or you act out in school you say No no Here s a problem Let s take all the funding that s going into all these bureaucracies the notion about the 10 percent getting 85 percent of all the resources

You say No no There s the 10 percent let s figure what we have to do for them And then we can call upon those resources that are there and redirect them to do a plan that is specifically designed for that particular family or person And the idea was not just to deal with one person but to deal with the family too

understand what it takes the impossible circumstances around the family community

So I passed the law Wilson loved it signs it happily into legislation and established five pilot projects Alameda Contra Costa Marin County Placer and San Mateo were the counties that were selected

McGARRIGLE Something changed in that when the Republicans took control of Congress they no longer Well I m just going back to what you said earlier today about getting buy in from Republican legislators at the state level and to some of the programs that you were interested in the social programs that didn t happen at the federal level The Republican congressmen didn t buy into the social programs that benefited children and were in favor of education and family

BATES I think the philosophy changed See what happened was I mean it s interesting the Democrats in Congress in my judgment wanted to have programs that they could see in their states and in the local communities that they could see actually happen And so they didn t trust the states and the local governments to really do it They bypassed them and made grants directly formed collaborations around issues that they wanted to see happen So if they [liked] to deal with Like we ve started a program the corridor started Safe Passages Home where they figured out where the problems were where kids were having difficulty with liquor stores or a lot of violence occurred on empty streets So then they got people to come volunteer to hang out at those corners and of course the violence dropped because there was a presence of people

The Democrats were more interested in more direct programs not trusting local governments in some ways to do it But the Republicans said No no The way we work Congress works is we give the money to the states and then the

states do what they want They run their own things We shouldn t tell them what to do We should just give them the resources you know through a block grant And then the states The philosophy there is that local government local school boards local city councils they know more than we do local counties and they should run it we shouldn t tell them what to do

The other side of it is the people like myself who said No no There are fifty eight counties Some counties are great and other counties are terrible unless we tell them what to do and make them show us a plan or make them be more prescriptive they re not going to do it They ll just take the money and lower their property tax rate and put it into jails So that was the big philosophical I think difference is Democrats And sometimes we trusted them but by and large I was always like making sure they do reports and turn it in Or Republicans believe that local government s just fine and that s the way to go and it s the closest to the people and that they know what s best And in some cases maybe that s true and in other cases I don t think it is true And at least if you want to have some continuity if you want to have some way in which it s fair like for instance in welfare if you were to say to people You can pay whatever you want it would be a race to the bottom

So you have to get people out of their county as fast as possible You know it s really a question of that philosophy of local government versus Yes I would trust local government but we re going to watch them or give them some guidelines or make them conform to something to make sure it happens Like a lot of times we d give money and say One of the more important things I was involved with that also Wilson I m now recalling all the things Wilson took credit for was We did a revenue sharing arrangement at the state level where we were in

a severe fiscal problem so we gave some local government some more control in terms of expenditures around mental health and also around health care and reduced their need to go to the state hospital made it more difficult to put people in the state hospital

I shouldn t say that What it said is that whatever the costs were to put somebody in the state hospital they could use that money elsewhere in the community buy another bed So this amount of money basically it gave a lot more flexibility but we built firewalls that say It could only be spent in health care You can not use this money for anything but health care You can t transfer it to some other fund I guess that we made some exceptions by saying if there s an emergency you can transfer 10 percent or something You also had to continue in your current level of local funding So you couldn t say Oh great here it comes Now we ll just reduce ours and this will supplant what we ve been funding at this level And we ll use our money elsewhere that we were using for this purpose

So we did give some flexibility around those issues The notion was that it was a change of the way money was given to local government we gave the counties more reliance and more ability to use the sales tax And then we used the cities property tax to help pay for schools And the cities and counties hated the idea but over time with a booming economy it s turned out to be advantageous for the counties and bad for the cities [Laughter]

MCGARRIGLE Well you have a more limited involvement with the East Bay Corridor now but does Dion have an involvement?

BATES She s on the board of directors but she hasn t been too active in it It s the same problem I think is the competition issue They re actually doing self evaluation to try to figure out what they want to do The philosophy I had when it got started

was It should be formed around specific issues and specific tasks and it shouldn t be seen as something that s going to be forever and it should come together try to deal with a problem and try to figure out organizationally how to do it and in some cases maybe there s some structure that s set up around a specific issue or problem and it should be based on that notion that you come together to solve it convene decide what to do and then not try to have another level of government but to be able to use what you have And so it isn t inconsistent to say Well it served a really great purpose and now it s really not needed because things are back to you know more fighting one another

One of the big successes that we had here was we got involved with gun violence and hand guns and Saturday Night Specials

[End Tape 17 Side A]

[Begin Tape 17 Side B]

BATES We wanted to get state legislation enacted to ban Saturday Night Specials You could buy them in California It was a problem of getting legislation through the legislature and getting it signed by the governor So we decided that myself you know I was in office as an assembly member and what happened was that the County of Alameda had received a grant to do something about violence and they didn t know what to do They had to hold a hearing a meeting So I said Well why don t we do it around gun violence and we ll invite experts and we can attempt to come up with some ideas about how we could ban handguns Saturday Night Special handguns in our area and we could show people how to adopt an ordiance to ban Saturday night specials? Because there had been one jurisdiction in southern California West Hollywood which had enacted an ordinance banning Saturday Night Specials So we said we could model their ordinance We could

bring in people from West Hollywood we could bring in legal people from Pacific Violence Foundation and we could provide modelled ordinances

And then maybe we could do a run on the National Rifle Association and introduce a resolution in all eighteen cities and then they wouldn t have enough person power to fight us in all these eighteen cities at once and we would pass them And if we had one area of the state that didn t have Saturday Night Specials it would put more and more pressure on the state to do something because the gun legislation has been preempted by the state law but there was this loophole that West Hollywood had and it eventually held up It was held to be constitutional So rather than having a patchwork of cities passing laws that would be complicated and would call for state legislation to rectify the situation

So we did We had the meeting city council people came and police chiefs came we gave them legal advice We introduced it and it passed I think in every jurisdiction except for two It didn t pass in Newark for some reason Well the reason is that the city council members weren t in favor of it And the other idea that we had was to put the ordinances before the city councils right before the election So we put them in in September so they were all being considered in September And if city councils vote against the ordinance we wanted the electorate to have a chance to see you know where they stood on this issue before the election

The NRA they didn t even really try to fight it I mean they did appear in a few places in San Leandro they appeared It was a big knock down drag out It went to the ballot The city council didn t want to approve it without having a vote of the people And it went to the voters and passed And in Livermore which wasn t even in our corridor they took our stuff and they went to the ballot also

and it passed People voted for it So it had a lot of momentum (and all these cities passed it) and we got a lot of national press and stuff And then the bill eventually made it through the legislature And when Gray Davis was the governor it got signed into law

McGARRIGLE So just recently then?

BATES Yes So it just passed fairly recently So it was a wonderful kind of victory that we had And it showed that we could do this kind of stuff There has also been some other ideas that I think are really good ideas which have to do with domestic violence that there needs to be a protocol and that everyone in the corridor treats domestic violence in the same way Some places you know spousal abuse there re different standards so police need to be informed about what the standards are and how to bring prosecution and the kind of evidence that would hold up And so there are issues and certainly crime and violence don t pull up the line when they come to Berkeley and say Oops I m stopping right here I m going to Albany [Laughter] So there is a need and there s also a need to realize that we have so many different levels of government that need to be coordinated in some way other than random where everybody says Look it those kids are the communities problems not just the schools

No no They re the community s problem and the community includes the cities and the counties and everybody else How do you get out of these categorical boxes and have people work together? So this is an attempt to do this through blended funding And it s on the books and it s been hard to implement because of a number of reasons but I think the main reason is institutional that people don t want to change They just don t want to change They ve got their own you know they ve done it this way and that s the way it s got to be and it s real hard to

radically dissolve something and start something else And so it s been hard And then I think in some ways there s not been a real champion trying to do it

So I passed this law and then I left the legislature and just last year I got a call from a retired legislator his name is Bruce Bronzan who is now working on this idea this idea of blended funding for seniors and they re actually taking it seriously And Bruce is trying to get something going in Sacramento and maybe in Alameda County to actually try to make this work for seniors So who knows? We ll have to see what happens I think both ideas will hopefully be successful But to have all these institutional problems the unions who are in place who support the legislators are going to vote for this thing They re going to eliminate my jobs and create something else Well give me a break you know Not my job We supported you Don t vote for this

Dion that was not really her issue It was my issue And so it s not something that s on the top burner for their staff Where when I was there it was like We re going to do this We re going to figure this out And so the blending of funding had to do with children s funding and helping the family And then at the end of my last year or so I did a bill around adults to say the same thing is true with adults and elderly there needs to be some kind of blended funding around people at home to allow them to stay so they don t have to go to convalescent hospitals

It s hard to change It s real hard to change You need a disaster or something And then suddenly when you re out of that we should be prepared to move quickly to replace it with another way of doing things And disasters were part of my legislation the Berkeley hills fires and vegetation management were also issues I worked on

McGARRIGLE That s what I was just thinking about as you were talking about working across boundaries Why don t we pick up there next time?

BATES Just one last little thing about crossing boundaries One of the things that just was I couldn t believe When the fire occurred in the Oakland hills my wife was the mayor of Berkeley and of course homes in Berkeley burnt too I think there were 700 homes lost and approximately fifty were in Berkeley [3276 homes and apartment units were destroyed] But in any case what was remarkable was that when the fire occurred the system was such that Oakland of course responded and then they called the mutual aid Berkeley then responded but it was not automatic or anything even though it was supposed to be And then they called places like Livermore and Pleasanton which were probably fifty miles away And they didn t call El Cerrito which is in another county across the line which is like five minutes away And then Oakland and Berkeley didn t have any kind of mutual response So if a fire occurred you d have to go through this elaborate notification

So my wife Mayor Loni Hancock and Elihu Harris the mayor of Oakland worked out an agreement that said If there s a fire in either city both cities will respond It s so logical that that would be the case and it was a big deal these two jurisdictions had agreed if a fire occurs that both of them would respond And recently there was a fire in Oakland where the Berkeley Fire Station was closer than the Oakland and they put it out before Oakland got there But it was in Oakland What happened when cities were formed generally speaking in the middle of the city there s a fire station and then as the city expanded the fire stations go out So both cities are going out to the perimeters so you end up at the perimeter having two fire stations

McGARRIGLE In different city boundaries?

BATES Yes right at the boundary or close So just by logic you know if one city could respond you don t need the other fire station

McGARRIGLE Right

BATES So you could economize but it s hard to convince the union

McGARRIGLE But probably the neighborhoods would then perceive that as a loss

BATES They would

McGARRIGLE Even though maybe in reality it wouldn t be

BATES In reality they d have the same service Now they have double service with Oakland and Berkeley both having the ability to respond After the fire my concern was that all of these problems had occurred The notification the command communication at the time of the fire and fire departments arrived at the scene and had nozzles that wouldn t hook up to the fire hydrants because an Oakland legislator in the twenties or something they got a special exemption from Oakland so they didn t have to have the same nozzle the same diameter for the fire hydrants that the rest of the state had so when the fire departments arrived they couldn t hook up And there were all these things that were a problem

So I put in legislation to establish a special district that would be a fire district or management district that would force the five local fire departments to work together The details weren t worked out but the cities of Oakland and Berkeley and the University of California all came to me and said No no We ll do all this We ll form an Emergency Hills Forum which will do all this work and plan this work out these problems And they actually did that It s still in existence The problem with the fire is that the further away from the incident the more people forget about it the less it is on the agenda But an amazing step has actually

happened here and I m still involved with that issue Once a year they have a meeting on the anniversary of the fire to look at what they ve done

But it s another example It was an early example of working together across boundaries that actually influenced my thinking about the East Bay Public Safety Corridor because it actually worked across boundaries and communications and all the rest albeit fire related That idea of working together made sense

McGARRIGLE Yes All right well thank you

BATES You re welcome

McGARRIGLE We ll finish there for today

[End Tape 17 Side B]

[End of Session]

[Session 10 September 25 2000]

[Begin Tape 18 Side A]

McGARRIGLE Well we re going to finish talking about disaster legislation that came out of the Oakland fire incident We ve touched a little bit at the end of our last meeting on the fact that the way the different fire departments are situated in the different counties that were affected by the fire was something that after the fire seemed clear needed to be worked out in terms of their responsiveness for the future

BATES Yes

McGARRIGLE And I know you remain involved in that project

BATES I do even to this day I m still involved in that project Well what happened was that after the fire obviously people started looking to see what the problems were around the response to the fire and they were numerous It s been documented in other reports and things but roughly what they found out was that the legislator from Oakland and Berkeley I guess from Oakland had gotten a special exemption on the size of the nozzle hook ups for Oakland that Oakland actually had a smaller size than the other districts So when firefighters came from areas they could not plug in to the Oakland hydrants

So that was an immediate huge problem Communications broke down They couldn t communicate with one another adequately because of the radios were on different wave lengths and they didn t have the capacity to bridge that Finally they went to cell phones which made a lot of sense but they had difficulties with

communication They also had difficulties in responding as you indicated in the beginning of this discussion They had mutual fire agreements but the way it works is a county by county arrangement so that Alameda County where the fire occurred notified Alameda County which went all the way to Livermore They then asked for support outside of the county and then Contra Costa which is actually very close by El Cerrito Richmond places like that are much closer than coming all the way from Livermore

And what they found was that when people arrived they didn t have a very good command structure in terms of where they should go and how they should get there and traffic leaving It was pretty much chaos and

McGARRIGLE Tom let me interrupt you just for a second [tape interruption] Okay well we re going to live with the tree cutting

BATES So then what happened was that after the fire occurred I was interested in trying to resolve these problems and trying to figure out a way to get people to cooperate and work closely together I was concerned about the fact that in the Oakland Berkeley hills you have various fire departments You have everything from Richmond to El Cerrito to the East Bay Regional Park District to the water district to the UC labs the UC campus I guess they re really supporting the labs and the campus Then you have Berkeley then you have Oakland then you have Orinda and then on down the line San Leandro You had all of these jurisdictions and really no way where they were actually working together to try to prevent fires from happening and to be able to respond in effective ways in the future

So I got together with people and said that I was really interested in forming some kind of a district that would be a fire protection district and that I wanted them to be part of that that I was going to put in legislation to require them to

come together because I was convinced that when there was public concern about fire and public awareness about the fire that they would do something quickly But it wouldn t be sustained and it wouldn t be sufficient to be on just a quick fix and then the further away you get away from the fire the more people forget about it and the more lax they become And so I started to put in some legislation and the various jurisdictions particularly the East Bay Regional Park District and Oakland Berkeley said Please don t do this We can organize ourselves Let us have a chance to do that And so I said okay that I would wait and back off

So what was formed was called the Hills Emergency Forum and they actually really did a lot of major improvements in the fire fighting capacity of the region One thing they did is they started declaring red flag days so that when there were times when the temperature was hot and the winds were blowing that people would be on twenty four hour stand by call and that they would it s even today they now bring people from the California Department of Forestry They re forest fighters who are down on the peninsula They actually come up and rent hotel rooms in Oakland so that they can respond quickly

McGARRIGLE On these red flag alert days?

BATES On these red flag days yes

McGARRIGLE And they do that regardless? They do that in anticipation of a problem?

BATES Anticipation of a problem yes Then the other thing that happens is when a red flag day a red flag day doesn t occur too often It s usually in the fall and it s after the dry summer and then we usually in this area have hot Octobers It is the terrible month That s when we ve had a lot of difficulties not looking forward to October every year because that s when it s so hot and dry And sometimes we have Diablo winds which are winds that blow from the east to the west And if you

have a combination of hot dry days and Diablo winds those winds can blow up to I don t know eighty ninety miles an hour or something A huge amount of wind that can blow It becomes almost impossible to stop the fire

Also they ve studied the hills and they know which areas where the fires start Historically the fires have started in the Claremont Canyon area started in the North Berkeley hills but they ve been pretty much concentrated in these areas They even though they look through the whole hills they know that when there s a problem a fire they all respond now There s no waiting around no calling mutual agreements When there s a fire a problem they respond en masse and come in

What happened in 91 was that they thought the fire was out and the firefighters really had not been trained to work in wild lands in brush and in areas where there is interface between the city and the country They really were trained to fight fires in the city to fight house fires and fires in those kinds of structures They really weren t trained to fight fires in the hills So they now have training They have regular scheduled training and regular schedules where they come in and work together and respond quickly In 91 they thought the fire was out but they now know that these grass fires can take two or three days to put those fires out So it s not a question of even when you think it s out it s not really out

So now it s a regular thing They never are going to leave a fire until they are sufficiently convinced that there s no problem

McGARRIGLE What exact location was that where they thought it was out but where the fire was?

BATES The fire in 91 started right by the tunnel It was in Oakland as you go through Highway 13 it was just before the Caldecott Tunnel on the right hand side It started there And it started in the day and they thought it was out and they left it

And they kept working at it through the evening and the next day they left And there were still embers

And now the other thing that they have arranged today is that the California Department of Forestry also brings in their fire crews and when there s a red flag day and there s a fire they actually stay to put it out So that the regular firefighters Oakland Berkeley who are urban fighters who have been trained to fight hill fires and things But now the California Department of Forestry stays and puts it out because they know how to make sure it s really out That s really a wonderful improvement The biggest defense now is when something happens they respond immediately and with great force

There was recently a fire that broke out in the hills in a day that was a red flag day and something like I don t know a hundred fighters showed up in a matter of a few minutes So there was immediate jumping on that They also on these red flag days have fire units that actually patrol the hills and drive the hills to look to make sure that if there s any kind of fire that they can spot it they can put it out immediately So it s not just relying on being notified they re actually out there looking around They close all of the parks on red flag days They don t allow people into the parks and other kinds of things that potentially could start a fire So there s been a lot of really good preventive work They ve changed the nozzles so the nozzles are now able to be accessed by other fire departments They ve figured out ways to communicate They now have communication channels that are open

And then immediately after that the citizens of Berkeley and Oakland both taxed themselves to establish vegetation management and inspection of the hills because the problem is where you have the wild lands where you have shrubs and various kinds of grasslands and grass is not so dangerous but eucalyptus trees

and things that interface between the city area the urban area and the rural They got funding to concentrate on keeping the management in a way that the fire wouldn t burn so quickly and set up a barrier between the two And what we have found is that unfortunately even though there s a great deal of public concern after Proposition 218 I think it was gosh I forget the exact number but the proposition that said that you have to go back and reassess or reauthorize various special districts that are there and it takes a large vote to do so to keep the districts in place In Berkeley they d simply never put the issue before the voters so their fire protection evaporated

In Oakland what happened is they put the issue before the voters in the form of a parcel tax to provide fire protection for the hills and what they found was a couple of things that it was a vote by parcel so you could vote if you were an absentee landlord or a person who owned land in Oakland you had a vote just like somebody who lived there And a very high percentage of people who were absentee landowners voted against the tax And then a lot of people in the flat parts of Oakland said It s not a problem for me So it actually went down on a very close vote in Oakland

So right now as we sit here in 2000 headed towards October of 2000 they really don t have the protection that they had before They don t really have the clearing They don t have the vegetation management to keep down the various plants that could be flammable and could lead to burning of the urban area So that s disappointing I mean what I m working on now has been meeting with a group of people around the East Bay Regional Parks and we ve been studying the issue of what kind of an EIR will we have to look at the hills and determine what kind of vegetation management would be best for the various sections of the hills?

And what we know is that there are certain areas that are grassland there re certain areas that have shrubs and various kinds of growth that burn very quickly You have eucalyptus trees you have grasslands you have steep hills You have a whole variety of different terrains and different kinds of vegetation What is the best way to manage that?

Well there s not one simple straightforward answer It s not like you say Well we ll just cut a 500 foot path through here and it will be great and that will do it We re really interested in trying to figure out how we can maintain the natural vegetation and encourage things that would be fire preventing in nature to grow and then discouraging other things like shrubs and other kinds of plants that would be bad junipers things like that are flammable and try to come up with a strategy that would vary from each section of land all the way across the hills

McGARRIGLE Is this work you re doing now a continuation of the work that you did early on following the fire?

BATES Well after the fire happened we really studied the problem tried to figure out what is it we can do to help the people And the one thing was to try to get them together to coordinate to put together this you know something like the Hills Emergency Forum to make that work And then I also did legislation which I ll tell you about in just a second

After I got out of the legislature then we saw the funding dwindle and go away from Berkeley and Oakland and not really stop the kind of vegetation that s growing that could be a real problem And then just in the last year or so two years yes like the last 99 I ve really gotten involved with the issue again about how we can do something to prevent wild fires from spreading to the urban lands and working around this environmental impact report It s been interesting for me

Environmental impact reports usually are done to justify projects that people have in mind Like they re going to build a building and so they say Okay let s do an environmental impact report that will show that that building can be done and we can mitigate it by maybe putting in more trees or put in some grass or something or ridepools established for our employees Something to impact the nature of the building

Where this is really trying to say Well wait a minute What is the best way to do this project? Not try to justify the project after you have it in mind So it s been really interesting We ve been meeting for about six different Saturdays all morning long with various firefighters and the city managers and people who are concerned about vegetation management people from the University of California who are involved with biology and plant biology and citizens the Sierra Club who have been involved with these issues for a long time And our hope was that voters would have a chance to vote on a parcel tax for the regional parks to maintain the parks And part of that money that would be generated would go to fund this EIR report

Unfortunately the park district decided not to go to the ballot this time So we ll have to see when they eventually go We now have a wonderful working document to be able to select consultants to do this really incredible study which I think would have impact not just in the East Bay but actually could have an impact all over probably the United States because it will be really comprehensive and bring in all kinds of information that s available to us Like they now can look at wind speeds and do modeling around slopes and type of vegetation So you can actually design a strategy Like in this area we re going to get back to the natural grass or this area we re going to cut back the eucalyptus trees because of the

cinders and other places we say Well it doesn t matter We don t have to do anything here We can maybe allow more natural grass and just go in and weed some things and take out some invasive plants

So it s been interesting and it s not over We re going to find funding for the Environmental Impact Report and then hopefully we ll have a way to have it maintained just like you re in your own home If you go in and make changes to your garden if you don t keep it up then something else is going to grow in its place So it s not just a one time quick fix you got to continue to work on it

But now back to the legislature for a moment when I was there I tried to figure out what I could do to help the people and the homeowners Well the first thing we did is we passed legislation and the governor signed it Governor Wilson signed it which will allow people in Oakland that lost their homes to have their assessed valuations go down So that even if you just lost your home you wouldn t have to pay the same kind of taxes real estate taxes that you would have paid So we re able to make some adjustments on the personal tax component of that

McGARRIGLE That s in this interim time when you were rebuilding?

BATES Yes Actually what would happen is the way the law is that in March 1 of every year they determine what the value of your property is So if you have a huge structure or something and it s taxed at that rate then taxes if that building was in place [tape interruption]

So we were able to get them not to have to pay the real estate taxes on things that were no longer in place on structures that were no longer there This was kind of ridiculous that you d have to do that And so we were able to help the city too to get lost revenue replace the revenue like if you suddenly lose I think like 500 homes or something it represents probably millions of dollars I forget the amount

It was like a couple of million dollars Oakland lost not counting the expense they had with the fire fighting it But they also lost the tax income

So we were able to do some stuff around the edges But I really got interested in trying to figure out what it is we could to make a major change in terms of long term change around the urban wildlife interface So what occurred to us was that working with the Wilson administration and their person that they had as the head of the California Department of Forestry no the California Department of CDF Oh that s not right He was the state fire marshal is what he was He was working with the state fire marshal His name was Ronnie Coleman He was actually very encouraging for me to try to do something because it was on everybody s minds

And so what we said was we wanted to map all over the state those areas where there was a problem between urban areas and wildlands and to map determine where those were so that there would be an idea of where the potential problems were Santa Monica has a problem There s always these fires happening in Santa Monica hills There s problems in Santa Barbara There re problems when you look at it all over the place where there s urban wildland So the law went into effect that said that we wanted them to map all of these areas around the state and urban wildland We did it here in the East Bay hills

But it was interesting What happened was that a lot of people who lived in those areas that were going to be designated as such became really concerned and the cities became really concerned the reason being that they thought the insurance companies would say these are higher risk that they re now in these high fire zones And so it hasn t been the greatest compliance with people coming forward with the mapping of the areas

McGARRIGLE They would have been done by a state ?

BATES It was actually done locally It was done locally They were asked to do this

McGARRIGLE The state legislation went into effect that asked the local governments to do the mapping?

BATES Right

McGARRIGLE OK

BATES And looking at the legislation now and even then I wanted to require the state to do it And the Wilson administration did not want to require them to do it So it was like a compromise They were supposed to do it in various sections around the state they were supposed to do it and come online And there s been a recent report if it s done on the legislation and it indicated that that was sort of spotty That it didn t really work out to be as good as I envisioned it to be And the idea was to try to designate and get people to start thinking about the problems that could be incurred and to encourage them to establish the communications

But one of the other things we did was to say in addition to that in these areas urban wildlife areas that we wanted to give them the local government the power to enforce fire prevention So we said that if you build in these areas with the conflict and actually throughout the state we said that you could no longer use wood shingle roofs And of course that was a big problem with the fire was that fire embers would come land on wood roofs and poof the house would go Now there s more to it than that There s the decks and the siding of the houses So in California now you have to go to class two roofs which have a fire rating I think of four hours or something I m sorry two hours ratings And any remodeling any kind of new construction could not go to wood shingle

Turns out that the jurisdiction of El Cerrito and the East Bay hills does a great job of enforcing the law They are really concerned about it They go in They

make sure that people are complying that they don t have big plants right up against their homes and they don t have that break And they do a really good job Oakland has gone to a way of self enforcement which is really sort of strange they wrote people a letter and said Please comply with this And I guess they re doing some spot checking but they really haven t put the enforcement people out there

When we put in the bill I immediately got this call from the Canadian Embassy or Canadian Consulate protesting this bill because a lot of the wood roofs came from Canada And we also said that in the area around the house you had to have a thirty foot strip from your house from your home to the property line and in that you had to establish a buffer zone And you had to have spark resistors on your fireplace which seemed like it would be pretty obvious to have a little screen on your fire place And then you had to maintain between your home and your property line up to thirty feet you had to actually have a buffer a fire buffer so that you had to maintain it By that I mean flammable plants and other things had to be removed We gave that to local governments to enforce And so again it varies with jurisdictions

McGARRIGLE Is that the city council that makes the determination how this is going to be enforced?

BATES Yes You know the city council through the city manager form of government The city manager would deploy them and the city council would have a policy like this You know we want to inspect So everybody s concern has been it s not going to be realized But the further you get away from 91 it s like it s nine years later now and people forget how fast they forget So as a consequence the law the study that was just done they call it actually the Bates Bill was that about 30

percent of the jurisdictions are actually enforcing their provisions Of course the roofs are being enforced but the other stuff is just not being enforced all that well

McGARRIGLE Did other districts in the area like Marin and San Mateo and further south did they have discussions with you about similar programs?

BATES They did they did And we tried to listen to their concern but the firefighters and fire chiefs all over the state were solidly in support of the legislation And so that made it really good We had really strong strong support from both the rank and file firefighters unions and also from the chiefs It s actually been a good piece of What it does is it gives the local governments a really good piece of equipment a tool box to be able to enforce and it s really up to them to do it now There probably should be a more aggressive approach at this point but you know I m not in the legislature and there s nobody really there to follow up

You know there is some people who ve done some other things but it hasn t been exactly in this arena so My hope is that we can convince Dion Aroner who was my administrative assistant and now of course has taken my place in the assembly in the last two years to actually go in and try to help strengthen the law because there is a more favorable climate in Sacramento The Wilson administration they didn t want to force people to do anything It was like we ll set this in place and hopefully it will be something that will be enforced The legislation itself was good and it went through the legislature pretty quickly except at the very end the Republicans got really concerned because it actually mandates the local governments to do it And so they said it s very prescriptive and it takes away local control

We argued Well it may but it s the right thing to do You know you need to have clearance you need to have buffer zones you need to have spark arresters

and you need to be smart about this It s one of those pieces of legislation it actually surprised me it was the most far reaching piece of legislation in the country at that time around urban fire areas and I was kind of amazed that it was picked up in places like Montana and Wyoming You know you d think that they would have had things like this for years but

McGARRIGLE Did people from out of state call you to discuss your work in that area?

BATES Actually the only thing that s really happened is the firefighters They all know it and they call it by my name attached to the Bates Bill on enforcement And this fire chief from Healdsburg an old town up in northern California he s doing this study of this legislation and he actually sent me a copy of it I just received it a couple of days ago I m hoping that we can use that to strengthen the hand because he has a lot of information from various departments And he was just very complimentary in his introduction I didn t read anything more than really the introduction but that the bill has made a big difference It could do more and the enforcement could be better for sure But it s nice to have somebody who s keeping their eye on it And I think Dion hopefully will pick it up and move forward

So locally I don t know if this will ever come to pass or not but one idea that I ve been promoting is that we do this Environmental Impact Report and then we actually go back to the people who live in the urban fire zone wild life zone and ask them to vote just those people not the people below that you know that live down in the flats but ask them to see if they want to vote to tax themselves to actually provide the funding to be able to do the management of the wildlands And we ll see what happens

[End of Tape 18 Side A]

[Begin Tape 18 Side B]

McGARRIGLE Is there a name for the working group that you're participating in now?

BATES It's called the East Bay Environmental Vegetation Management Group. I mean it's just a sort of an ad hoc group. We've done this really good job and we have a couple more meetings to do and hopefully we'll be able to convince either FEMA [Federal Emergency Management Agency] or some other funding source. Maybe we can get some funding from the state to do the Environmental Impact Report. The impact report we're talking about in today's dollars is probably between five hundred and six hundred thousand dollars that we're talking about to do the kind of work that we think is necessary. And we've had the benefit of a lot of people who really have been involved in doing EIRs working in fire prevention and fire chiefs.

Then we're really fortunate in that one of the people of our task force is the fire chief of the East Bay MUD, the Municipal Water District [East Bay Municipal Utilities District]. And he just did a major work on the East Bay MUD land. And so it's been really helpful because we now have been able to get a lot of the problems that he had and be able to reflect those in the report and be able to overcome a lot of problems that he's identified in the environmental report. So now we just got to get the money and find great consultants to give a good study of the hills. [tape interruption]

McGARRIGLE I was just thinking back to fire and what I was doing and I'm wondering if you recall exactly how the information came to you.

BATES And how what? I'm sorry.

McGARRIGLE How the information about the fire came to you. About the Oakland fire in 91. Do you recall how you first learned about the extensiveness of it?

BATES Oh yes I m sorry What happened ıs that Lonı and I went down to Yosemıte we were spendıng a weekend ın Yosemıte And we went down and I had to come back Sunday because I had to go to work She was the mayor of Berkeley at that tıme and she was goıng to spend the weekend Sunday and Monday and come back Tuesday mornıng

I was drıvıng back from Yosemıte and turned on the radıo to hear about the traffic and heard about thıs fire that had started ın Oakland That s how I heard about ıt was drıvıng back When I got home I couldn t belıeve ıt It was lıke ıt was a hot hot day and wınd was blowıng really strongly and the smoke just kept pourıng down from the hılls It was really very scary And so I got home about two o clock and we trıed to call Lonı because she needed to come back We finally got hold of her because she was stayıng ın a hotel that dıdn t have phones ın the rooms

I finally got hold of her and so she came back that nıght to thıs catastrophe that s goıng on But that s how we heard about ıt We lıved I would say approxımately a half a mıle from the Claremont Hotel And the Claremont Hotel ıs where they made the stand to try to stop ıt when the fire When a fire goes up a hıll ıt s pretty hard to stop a fire on the way up because of the heat rısıng and stuff but so they made attempts to stop ıt at the crown And they were able to successfully stop ıt ın Berkeley at that poınt or else ıt could have been just havoc because the Claremont Hotel I thınk ıs the second largest wood structure west of the Mıssıssıppı The Coronado Hotel ın San Dıego ıs the largest wood structure and then comes the Claremont Hotel So ıf that would have caught on fire ıt would have been not only a horrıble loss ın terms of a wonderful structure and a beautıful buıldıng but ıt would have been Conceıvably cınders could have gone all throughout the flats of Berkeley and ıt could have been pretty devastatıng

My home has these beautiful elm trees in front of them that were planted before the turn of the century and so I can imagine cinders coming into the trees and really causing havoc

McGARRIGLE Is that a situation where the mayors of the respective cities got together and worked together on managing the disaster?

BATES You know what occurs is that it really gets turned over to the sort of professionals and the city manager usually delegates that to the fire chief and then I m not a total expert I think what happens is that the state comes in and so somebody is designated as the person in charge and it s usually through the emergency system Generally a fire chief I guess is placed in charge of a response and attempts to coordinate various units coming in and where to deploy them and things of that nature

There was a great response People came from all over northern California in to fight the fire It was the worst fire in the history of the state in terms of the number of structures lost and damaged So it was a major major loss The irony is that well Loni then is mayor and Berkeley didn t lose half as many but I think Berkeley lost about maybe ninety homes The balance of probably approximately 400 or so are in Oakland maybe 450 But the idea was OK now we have this burnt hill We can widen the streets we can take out the curbs not make it so difficult for fire engines to be able to get into the hills we can build homes that are more moderate in size

What actually happened was people who built homes they absolutely fought tooth and nail any ideas to making the roads more logical and safer to pass They wanted to build not only the size home they had before they wanted to build larger homes And the insurance companies there were obviously different cases of the

way insurance companies handled it everything from excellent to probably people who are still nine years later waiting to get money But the insurance companies by and large I think in retrospect when you look at it paid more money than the homes were valued and rebuilt homes that were larger and took up more space than they were before the fire And so I think insurance companies ended up helping people not only build or replace their old home but actually allowed them to build a [light laugh] larger home

McGARRIGLE What is the reason behind that?

BATES The amount of money that was given in the settlement You know a lot of things like if you have a home and lets say for instance you had redwood inside the home and you had really excellent wood and you had exceptional appointments that are in the house craftsmanship windows things of that nature that were really expensive and to replace would be super expensive And you had it insured for that value you d have more money than you d need because those materials probably are not available So you could conceivably build more with the money rather than replacing the more costly sort of things that have lasted over the years But I m not an expert on this

McGARRIGLE No I just wondered if there was a reason if they were more generous than they needed to be or if they were just fulfilling their duty

BATES I think they were probably fulfilling their duty or in some cases they were probably more generous than they needed to be And now of course after the earthquake in Northridge and of course our big quake we had here in 89 and again my wife was the mayor during that time You know after that the earthquake insurance became difficult to get in California And then when I was in the legislature we passed earthquake insurance which allowed the insurance

companies really to not have to offer earthquake insurance Prior to that time and in the state of California in order to be licensed to sell homeowners policies you had to offer earthquake insurance The insurance companies put in legislation to have the state establish state insurance And it was the insurance companies trying to get off the hook so that they wouldn t have that exposure I voted adamantly against it and fought the bill but it became the law

It s been modified a little bit since I ve been out of the legislature but the idea was you had to have a very large deductible like 15 percent deductible and the amount that you could recover was very limited Even something like $1 500 was allowed people to have for living allowance while you were out of your home Well people even in the Oakland Berkeley hills were out of their homes for over a year So $1 500 is like maybe a week or something or two weeks or whatever that they ll be able to stay So it was a terrible policy the insurance companies basically gave the risk to the state and the state modified the benefits of the plans So it was a terrible terrible thing for the people You ought to be able to get recovery

Now I see today in 2000 there are insurance companies that are now offering much better policies that don t have those high deductibles you know I may be wrong about 15 percent maybe 20 percent I forget it was a very high deductible But what we figured is that most earthquakes that homes usually if they go off their foundation you can put them back on the foundation for less than the deductible So it was like Why do you need this policy if you can repair your house for less than it would cost you for your minimum payments you have to make As a legislator I suddenly got involved in all these things which I think is typical I was not an expert by any stretch of the imagination on wildland fires or

insurance issues or issues around emergency response But suddenly you re thrown into these issues and as a representative you attempt to figure how you can best serve your constituents and prevent some catastrophe from happening again

This was one of the major pieces of legislation that I passed At the time the wildland legislation seemed so logical that it would be in place It was like the right time being at the right place and being able to put together the pieces Probably today it would be very hard to pass the legislation because you know people would say we don t need it or you re telling local governments what to do and this kind of stuff But at the time everybody was It was like it was an issue that was right in the public right front center or public stage So you have to move quickly

I guess that s a lesson that you know you have to learn as a legislator is that when the conditions are ripe you have to just quickly move as fast as possible before they change And my philosophy was to say Look I m not totally positive that what I have to say is going to be right or what I do is going to be totally right But I m going to try to do it and then if it s wrong then somebody else can straighten out the mess But at least we tried something tried to move things forward

McGARRIGLE Were there other people you worked with on that legislation or was that something that you and your staff did together?

BATES Pretty much this was myself and the staff Now Senator Petris who represented the same areas I did in the senate he also was very interested and involved in this but it was primarily working with the fire departments working with the fire chiefs and the state fire marshal Ronnie Coleman And he was good Coleman was good The Wilson administration you know they just weren t interested in doing

anything It was like it was a big problem but they wanted to show like they were going to do something but they really didn t want to do anything real It was symbolic or something and then this was like a real piece of legislation

I did have the opportunity to pass lots of bills with the administration where they did cooperate and we did work together but this was one where I kept pushing and they kept saying We can t do that and then Ronnie Coleman would sort of oil things over and we d go forward and you know try to make it work He was a great witness and he was I think responsible for getting them to finally sign the bill I was concerned after it passed the legislature The opposition formed as I d mentioned earlier at the end when they said Gee this is really telling local government they got to get out and enforce the fire laws and I think it did say that But it passed with Republican opposition at the end and some rural opposition and then went to the governor and I just sort of kept my fingers crossed that he was going to sign the bill

So we ended up trying to lobby and we did through the firefighters and police chiefs and some local government and he did sign it but it was a question in my mind whether the governor would actually sign it

McGARRIGLE It s interesting the Republicans didn t see it as a cost saving measure in the long run because it s less expensive to impose this minimum requirement on property owners in this limited district band between the urban and the wild rather than to bear the costs of these major disasters

BATES Well yes And it also has to do with and they didn t see that it was like individual property rights and people telling people what to do with their property You know Who are you to tell me what I can do with my property? And you know the answer to that I think was pretty logical It was Yes well if it was just your

property it wouldn t be a problem But when your property burns it burns the property next door and it goes down the street and all of a sudden we have a major problem on our hands that could have been avoided if you just had done some logical things that would restrict the opportunity for a fire to break out or to be sustained

You know it s interesting how I m still involved in these issues Like we talked earlier about the East Bay shoreline I m still involved in that I m still involved in the fire stuff It s like these issues never go away and somehow or other it seems like I m in it for the rest of my life

McGARRIGLE I would think it would be very gratifying to have this impact in very practical relevant ways for people

BATES Yes it is It really is It has been gratifying I try to not get too carried away with it I mean I m really pleased that a lot of the things I worked on have happened and they are real Yes I really am happy about it but I try to keep it in perspective you know? I mean I m not saving the world It s incremental change and it s not like it s going to be savior for the western civilization or something like that But it s been wonderful and I like I think the main thing for me has been the opportunity to work on these things and still be relevant in terms of my role and still be able to press forward and make things better and improve things Somehow or other I don t know if it s ingrained I guess my mother is probably more responsible is sort of the idea that you know to those whom much is given much is expected Whenever you do something it s like you re going to need to do more

And I do feel like I ve had a really incredibly blessed life I had this idea that I was going to die when I was forty two or something I don t why my parents lived to be in their nineties But I always just felt like that because of the way I was

living my life that I was just I m going to have a heart attack or something s going to happen and I was going to be gone So now I always feel like I m on borrowed time and have an opportunity to live for all these years

I don t think I could ever develop that side I don t need to worry But we re trying to figure out how we do it from here You know how we still are relevant still have an opportunity to make change and hopefully make things better for people

Now I m figuring that since my parents lived to be in the nineties that I have another thirty years [Laughter] I changed my perspective from going out early to going out late Somewhere in the middle I m sure the truth would be there But we re having these issues Loni and I my wife and I because she s getting ready to leave the Clinton administration So we both have this need to continue to try to do things make things better and try to serve the issues and things we believe in We re trying to figure out balance Like how do we do that make those contributions and still have time to do things and travel and write and develop other sides of our personalities the artist side?

McGARRIGLE There s so many people who are thinking along those lines probably if you were to start writing about it and disseminate your writing you d have an incredible response

BATES Possibly I m actually trying to encourage Loni to spend some time writing because she actually has a very interesting history because coming to Berkeley in the early sixties and being involved right away in the antiwar movement and Mothers for Peace and all these things have happened to her around Berkeley so it s pretty Berkeley focused But she was the mayor during a real incredible time

She got sworn in First day in office they had a homeless encampment around her office People in the halls and they were camped outside of her office for a long time Major drug problems appeared with crack cocaine and her response to that You know not having a huge police response but trying to have a balanced program where kids have after school programs Started all these things Then the major fire major earthquake relations with the university you know working on all these things People s Park She has a lot of wonderful things to tell and stories to relay and it d be good to combine our two stories in some way

And we ve actually I think I ve talked about this earlier but we spent the most part of our public career together working together on issues that she was involved with and I was involved with You know she was my best counselor and I was her best counselor We worked together on almost every issue every step of the way and we never really talked about it in public A lot of people didn t even know we were married that we had gotten married It was sort of a quiet wedding a small wedding and we always maintained a posture that we were two independent people and didn t want people to try to figure out Well Tom is really controlling Loni or is Loni controlling Tom But it was a wonderful wonderful partnership that continues to this day

And so right now we re about ready to enter into another phase of our lives which will be interesting to see what we do in the next thirty years whether we just go off in the sunset which I can t imagine I keep thinking well maybe we can go to Europe and get a place for a couple of months or something like in Paris or in Rome or Florence or someplace or Tuscany You know do these things and spend time I think we ll probably do that But we ll always come back and always try to figure out some way to continue to work on things we care about We have cared

about the environment Lori s very interested in issues of equity and the global economy and the equities around those issues And now of course I m engaged in this issue about food kids food Just really being very much involved with changing that whole thing in Berkeley which we could talk about at some point

McGARRIGLE I was looking at the brochure that I borrowed from you on the Center for Ecoliteracy

BATES Yes we now have the Web site We have our Web site up We just got a grant for $300 000 to help us do a business plan and restructure how we deliver food for kids in Berkeley about how we can do that This is actually starting my third year with this project I work half time We are really the pacesetters in the nation about what we re doing in terms of the changes that we made and the things that we re doing in terms of revitalizing and reinventing in some ways the whole food the way kids eat in school So it s like we re actually getting a lot of attention and a lot of support in terms of foundations and stuff So we re doing great Think maybe you can do a postscript one day? [laughter]

McGARRIGLE Definitely Well that s a natural stopping point Why don t we stop here and we can pick up next time?

[End Tape 18 Side B]

[End of Session]

[Session 11 October 5 2000]

[Begin Tape 19 Side A]

McGARRIGLE We finished last time talking about disaster relief and disaster planning at the state and local level But I wanted to be sure to talk to you about your relationship to the different mayors of the cities in your district and how that changed over time

BATES Great Well my history was of course I got out of the army I went and lived briefly in Mill Valley and then I moved to Oakland and got involved in politics while living in Oakland And my wife at the time Carol Martin she was real interested in the League of Women Voters and got involved with issues related to Oakland primarily education issues environmental issues I got involved in my first campaign and worked in Ken Meade s campaign in 1968 and then when he won in 1970 So I was very much involved in Oakland and my focus was Oakland

I never really got involved with Berkeley until much later much later being like six years or so later So my real interest was in Oakland When I was involved with the politics of Oakland at that time you have to realize this is 1968 and 1970 At that time there s a Republican mayor and the city council is comprised of a majority of Republicans There was one African American and one or two Democrats And all of the park commissions all of the East Bay Regional Park District the AC [Alameda Contra Costa] Transit District the entire political makeup for that time all the appointed boards and elected boards in the East Bay

excluding Berkeley and Berkeley was changing at that point were Republicans and Republican dominated

And with Knowland William Knowland of the *Oakland Tribune* overseeing this sort of Republican empire in terms of appointments and control When Don Mulford in 1970 when Ken Meade was running for office Don Mulford being a Republican incumbent went to people and he had a chart and he said Look if they beat me they re going to come after the mayor of Oakland they re going to come after the city council they re going to come after the park district they re going to come after East Bay Regional Parks they re going to come after East Bay MUD They re going to come after everything and it s all going to change So we ve got to stop it here and not let Meade win And I remember seeing that or hearing about that and just thinking This is just preposterous I mean It s not going to happen

Well he was absolutely right What happened was Kenny won Ron Dellums won the whole shift and the registration was moving in our direction Eighteen year old vote became available in 1970 and people were very active politically So it was like as we discussed earlier in Ken Meade s campaign when it was election eve and it was raining and we were planning this get out the vote operation and almost 2 000 people showed up in the rain to go out and work for three hours with flashlights and raincoats and some food And they stayed out for three hours in the rain I mean it was like unheard of political activism

So the next thing that happened was we said Well gee Ken is elected Then we wanted to get the mayors the next big prize was to try to get a Democratic person elected as mayor of Oakland and also an African American They thought it would be really important to make that statement and so we in

terms of trying to find a good candidate Dellums of course being African American was really interested in promoting African American candidates and certainly saw Oakland as a city being a really prime candidate to get an African American mayor elected So Lionel Wilson came forward as someone who had been a superior court judge who was actually from Berkeley and ran for city council in Berkeley and lost And then his career took him to Oakland and he established himself as a judge and as a really respected member of the community People thought This is the judge s time and we should support Lionel Wilson for this position So we worked really hard myself included and supported his candidacy

He ran against Bobby Seale [a member of the Black Panther Party] was in the race at one point and we stuck with Wilson At that time we were probably described as being more radical than we probably were but we were seen as being radical left people and trying to move an anti war agenda more for civil rights and Lionel Wilson certainly fit into that picture So we were really excited about his candidacy and he won And not only did he win the demographics in Oakland changed when we changed the rules to say that people would be elected at districts rather than at large There was a time in Oakland 1970 when Kenny was elected In 71 I ran the campaign for a woman by the name of Betty Ann Bruno who I knew through the League of Women Voters and was very active in Oakland politics and I ran her campaign for city council She ran in the North Oakland district but was elected in the entire city of Oakland You had to live in the district but you were elected at large

So she carried her district overwhelmingly the area that she was the North Oakland but lost the entire area It was disappointing to us that that happened So

we knew that this was impossible You know it was really difficult for us to mount a campaign because the demographics of Oakland were such at that time and are even true today that sort of like the steeper the topography the more people turn out So you can almost look at a map and when you see a lot of jaggedy roads that are not straight that are crooked and curvy that s where the vote turns out because people have more of a stake in the community have more wealth and are more interested in the electoral process They say that people become voters when they become something like sixty years old is when they finally focus on becoming a voter

But in any case her loss and then Lionel Wilson s win became clear we had to change the way that people were elected and make it by district So that was it We were able to accomplish that The voters agreed with that change and changed the charter to allow for district representation And with that district representation the entire council changed It just flipped over At one point it became a majority African American Women were elected that had never been elected before and Hispanic people were elected It was a major major change that enabled us to make significant inroads in the politics of Oakland

And then exactly what Don Mulford had predicted the planning commission of course was all suddenly appointed by people who were more interested in slow growth rather than unlimited growth We saw situations change with various other appointed positions like Alameda County board of education At one point the Oakland representative decided to resign I was interested in helping fill that position and we ended up getting a Black Panther appointed to the Alameda County Board of Education because we had such perceived momentum electorally

that if we supported someone myself and Dellums and others that it would be important

At that time it was a guy by the name of John George who was a wonderful politician wonderful friend and ally who when I went from the Alameda County Board of Supervisors to the state assembly in 76 he took my position and was elected to the Alameda County Board of Supervisors He was an interesting wonderful person in his own right Unfortunately he died fairly prematurely but he became the first African American elected to the Alameda County Board of Supervisors So we got the first black mayor the first black on the Alameda County Board of Supervisors When I was on the supervisors I supported a woman Valerie Raymond who ran against one of the sitting incumbent members of the board of supervisors a guy by the name of Don Murphy She won She became the first woman to become elected to the Alameda County supervisors

And another incumbent on the Alameda County Board of Supervisors a fellow by the name of Robert Hannon who was vulnerable and I don t know if I told you this story about Bob O Sullivan? I don t think I did by your expression [Laughter] This is a good story I was on the board of supervisors and we were trying to win all the seats we could get and this Bob Hannon was a long time member of the board of supervisors He represented San Leandro Castro Valley Union City and places like that and southern Alameda County He had run against Nicholas Petris for the state senate He challenged Petris who was a long term state senator here in our area and Petris served for over thirty five years in both the assembly and the state senate so he was really a fixture

Hannon went after him because Petris had been involved with changing the property tax assessment and basically made it a much fairer system than had been

previously in place But there was a lot of concern that people s property taxes were going to go up And it was viewed as Petris s legislation that was causing all these problems So Hannon saw an opening and he ran against Petris During the course of that campaign it came to light that Hannon was arrested on a drunk driving charge or stopped on a drunk driving charge he was not arrested was stopped on a drunk driving charge and the Alameda County Sheriff's Office the deputy sheriff who [was] involved with the patrolling of the unincorporated area basically quashed his arrest

So it came to light that that had happened I believe on two occasions So here he had a severe drinking problem and should have been arrested and had gotten special favors And it came out in the press in this election with Petris So when he then lost to Petris fairly significantly and then was up for reelection we just knew he was incredibly vulnerable He s a Republican and a conservative Republican who had this drinking problem at that time So we tried to find somebody in Hayward which was the main city in the area to run against him Hannon and we couldn t find anybody

So March Fong who at that time had been an assembly member from East Oakland and gotten elected to be secretary of state March Fong ran on a platform from the assembly to the secretary of state she ran on a platform of making toilets free At one time there was a move to charge women ten cents or something to use a toilet and so she came out against charging for toilets

McGARRIGLE In government buildings or ?

BATES Everywhere [Laughter] She passed a law that said you couldn t charge for people to use the bathrooms and this became her issue And her son of course became March Fong s son she remarried and she went on of course to be secretary of

state and her son Matt Fong just recently ran he was a treasurer of the State of California appointed treasurer and then ran for the United States Senate against Barbara Boxer and lost But it s a long political family

But her aide her number one aide at that time was a district representative a guy by the name of Bob O Sullivan And Bob O Sullivan wanted to be elected he was interested in electoral politics So we said Bob why don t you move down to Hayward in this district? There was plenty of time and we were planning you know it wasn t like the last minute We were trying to find somebody to run against Hannon because it was very clear he was going to be in big trouble in the next election So we got O Sullivan and he said sure he would do this

So he moved down to Hayward and we ran his campaign It was run out of my office Basically we hired people and we ran his campaign we did all his material we walked precincts we organized And the election came in June and Bob O Sullivan ran first and Hannon was second and Charlie Santana who was a local city council member from Hayward who we weren t too wild about a very conservative was a bail bondsman and you know somebody we weren t really that excited about or we would have supported in the first place And so O Sullivan is then in a runoff with Bob Hannon it took 50 percent of the vote to win except that Santana sues O Sullivan Says he never was a resident of the district

So it goes to court and we were ready to shoot Bob O Sullivan What he did was he registered to vote but he never had a telephone an address there he never had a PG&E bill or any other kind of substantiating record that he actually moved When asked under deposition and cross examined it turned out that he slept in a sleeping bag two nights in a friend s house And the judge said You don t live

here and threw him off the ballot So O Sullivan was off the ballot and people were then predicting that was the demise of Tom Bates and his great political ambitions

McGARRIGLE What happened to O Sullivan following that?

BATES He was in a big flunk for a long time and he ends up now being a high school teacher in Oakland schools He went back to teaching But it was really unbelievable I mean this guy was a knowledgeable person He d been around politics We kept asking him whenever we d see him You got everything all straightened out? You know? It wasn t that much All you had to do was rent a place He didn t rent a place he stayed with friend He had a friend s address which you could also do but he never stayed there It was like the sleeping bag candidate So it was really embarrassing for us and for him

So then O Sullivan was out Santana is running against Hannon and Santana wins easily He had went from third place but he got all his votes and O Sullivan s votes or most them and he was elected Made for a friction with Charlie Santana But at that point when Santana was elected it would be the first time that the Alameda County Board of Supervisors was Democratic I was a Democrat a guy by the name of Fred Cooper was a Democrat Santana was a Democrat And actually Murphy was a Democrat too so I misspoke He became the first Hispanic We did have a majority before When I became elected we actually then had the Democrats Murphy was an extremely conservative pro growth Democrat so it s hard for me to even imagine him being a Democrat But he was on the board of supervisors and Fred Cooper was on the board So the three of us And Joe Bort was a liberal Republican who represented Berkeley and Oakland was on the board as well as Bob Hannon was on the board

So when I was elected the Democrats basically took over but it was a very conservative group In fact Joe Bort voted more with myself and Fred Cooper than Murphy did And when we had issues around revenue sharing when I was at the board we talked about this way earlier but when I was on the board of supervisors Joe Bort supported the really radical changes that we made using the revenue funds that we [had] from the federal government because the programs were all in his district and he couldn t very well not vote for programs So between Bort and myself and Cooper we put in place all of these wonderful programs that still exist today That roughly thirty years later are still operating Things like gay centers free clinics health centers community clinics a whole variety of things

And then to kind of move that forward what happened was we had the board of supervisors and my friend Ken Meade that I had elected to the state assembly he really did not want to run for reelection and didn t run in 1976 So during that time it turned out while I was on the board of supervisors waiting for Kenny s last term to end that it became clear that the board of supervisors had not reapportioned themselves Even though they were required by law to do it every ten years they hadn t done it So Cooper and myself and Murphy said it s got to be reapportioned I was given the opportunity to work on drawing the lines which is Anybody who knows about politics this is where the rubber meets the road kind of thing Where you draw lines and who gets in what district can make a huge difference

So when we were drawing the lines coming down in Oakland I lived around Lake Merritt in what was called Crocker Highlands I was now running for the state assembly so I was basically giving up my seat But in order to make John George eligible to run for the board of supervisors I had to draw up what we called

the thumb which goes out and picked up John George s house So when you re coming down from the Oakland hills you re coming down Lakeshore you come and then all of a sudden you jogged over the east and come around to pick up John George s house and come back down again and come logically straight down to the Port of Oakland

McGARRIGLE Otherwise he would have been in what district?

BATES He would have been in Cooper s district

McGARRIGLE Okay

BATES So we basically drew a district for John George to win And so he did and became supervisor until he died in office

McGARRIGLE Was he identified as a Black Panther?

BATES Well no maybe I confused you but John George was a lawyer No the woman who we appointed was a Black Panther She ran a school out in East Oakland

McGARRIGLE Okay I was confused

BATES No I m sorry But in any case then John George is elected Suddenly you have Dellums Bates George And it was like people said there s a machine There was a machine It wasn t built on patronage because none of us had any patronage It was built on philosophy and really just trying to social change and what we stood for And Dellums was really the leader and the spokesperson for those issues He was in the Congress and had a big platform Exceptionally wonderful speaker fine speaker So he was there And so then we were interested in trying to figure out what we could do in terms of Berkeley

McGARRIGLE And in terms of Dellums were there occasions when you would get together to discuss local issues with him or national issues with him?

BATES Yes we did We didn t meet probably as often as we could have But he would come to the district and have town hall meetings And I would be interested I would go just because I was interested in his perspective and what he was doing and how he was moving And then I had an occasion to hear him speak a lot at various events and things Then we had close personal interactions but during that time that I was in office the twenty years that I was in the legislature I think that we had One time I went back East and spent time with him and his family And when I was visiting Washington D C I stayed with them And his wife at that time was somebody who was from Berkeley and was really a wonderful person So I had a good relationship with her and also with Ron

But Ron is the kind of person that like a lot of public officials I think he s innately bashful but he projects as somebody who can give these really good speeches and a wonderful thinker But he s I think exceedingly bashful And he also is very public in what he is in terms of his dress and the way he conducted himself So it s hard And I think a lot of people when they re in office people are always asking them to do things and always making demands on them that they become kind of shells of people in the sense of you don t really get to know them they don t really show who they are It s like it s more of a persona And I don t mean to be overly critical but I think that that s you know He was a person that was I found hard to really get to know

He listened He was a good listener and he was very thoughtful but it was like when you were listening when you were just around him he was sort of on all the time He was always like telling things and explaining things and if you were there it was difficult to have a two way conversation It was mostly you listening to him pontificate about various things And you learned a lot

McGARRIGLE That was his public role that carried into his personal

BATES Yes And I didn t know him as well But who I really knew was his staff I knew all of his staff really closely And I had come up as a staff member and had always sort of viewed myself not so much as a public official even though I was but I was always a person who s interested in getting things done and working with a staff I knew the value of staff and always had great great staff working with me So I always worked with a staff I was always comfortable with a staff So I had gotten really excellent relationships with his district staff and his Washington staff

One of my good friends politically was a guy by the name of Bob Brower who helped Ron get elected in 70 and went back and was with him for thirty years in Washington When I needed to get something done I called Bob I knew Bob could figure out how to make it happen do this or do that or give me advice about working the levers of power to make things occur And so Ron was less important I mean it would be like Ron would you talk to so and so about this? And he would do that Or Would you consider signing this letter? He would do all that stuff But it was all really working with the staff So the staff and I became very close We were always scheming and thinking having lunch and trying to think about what we could do to advance not only our set of politics but other people we could hopefully get elected I think some criticism is probably warranted that we knew that we were all going to be leaving and we tried to develop other leadership to come along It was exceedingly difficult

What it boiled down to is almost looking at your own staff and saying Okay I can take a young person and bring him on my staff and work with them have them get exposure to the people I know and friends that I know and the issues and have them grow to the place where they can then be elected to some office And

so that did happen You notice that a lot of elected officials their staff members become elected officials That happened to me I was a staff member for Ken Meade I became elected Dion Aroner took my place she was elected Barbara Lee who s the current congresswoman worked for Ron Dellums Keith Carson who ended up being elected to the seat that I held on the board of supervisors and John George held worked for Ron Dellums for a number of years

So a lot of that did happen but it was hard to get good leadership coming up through the ranks and help finding people because people have needs financial needs and we don t have patronage other than our staff [Laughter] And you can t just have somebody on the staff that s running for office you need to work to serve your public and your constituents so it s not a simple thing But we were able to really change the whole make up of Oakland everything from all of the appointed boards but suddenly all the elected people were all Democrats We made a big difference initially Over time you know things change It s like one you create a change and then you realize it probably needs another change to get people because some of the people that we ve got in office didn t turn out to be as good as we hoped they might be

I think that the caliber of leadership the elected officials it s real hard to get people to want to be elected officials in this day and age There s a lot of pressure time demands Raising money is a big factor People don t like to have to raise the kind of money that s necessary to run and what it means to raise it, the compromising and the asking and the begging and doing all of that And people end up being concerned about what kind of people they are why would they go into this? It reminds me of when I was running for the board of supervisors I met this guy and I started to explain why I was running And he said Anybody who

runs is not qualified to be elected [Laughter] I thought Well that was interesting

McGARRIGLE Who were some of the stand out people? Are there people who stand out who were elected in that period of time?

BATES Well obviously Loni Hancock She was I think an exceptionally fine person I think that Dion has turned out to be just incredibly good I mean just better than you could possibly imagine In San Francisco I think a big shock for me was that Nancy Pelosi turned out to be such a stunning elected official She had been a party person and been involved with the Democratic party and very active in fundraising for the Democratic party but not identified with any issues per se and she turned to be just really a gem I think that she was for me it was pretty impressive Locally I think there s a local city councilwoman Linda Maio in Berkeley who s turned out to be an exceptionally fine official In Oakland I ve sort of gotten away from the Oakland scene because I came to Berkeley in 86 and I haven t been as engaged with the electoral policy as I once was

I think that Don Perata is certainly somebody who was involved with us really early on in trying to make change He s a very skilled politician in the sense of being able to manipulate the press and issues I think he s somebody who s certainly a very gifted politician I don t know that I necessarily agree with all the things he s trying to do or how he does it but I think he certainly falls into that category

Barbara Lee is someone who s I think is growing and continues to get better She is somebody I think has potentially a really wonderful future We ll have to see if she s able to continue to grow in the office But I think there ve been some really good people here The advantages of the East Bay is that it s a liberal progressive

place that John Kenneth Galbraith I met him he said to me he heard I was elected at Berkeley He said You re lucky You represent one of the most liberal places in the world And it s true I think coming from that place you expect a Ron Dellums You expect somebody who can go on the national stage and be one of the two or three best speakers in the country in terms of his ability to articulate the issues and logically go through various arguments and has great integrity and things of that nature which I deeply respect The public Ron Dellums for sure and the way he conducted himself

[End Tape 19 Side A]

[Begin Tape 19 Side B]

BATES Berkeley then occupied a lot of my time because what happened was then of course I fell in love with my wife Loni Hancock and really got focused on Berkeley I think to a certain you know people s criticism was Well you re not as active in Oakland And that s probably true I mean I didn t we made the changes in Oakland we got the people elected we basically took over everything Then the hope was that people who were there would do a good job and wouldn t need for us to be so involved with trying to get people elected

Let me just back up for a step and mention When I first got elected when I went to Sacramento people said to me You know you make a big mistake if you get involved in local politics You re much better off if you say Look it I m running for the state office and I don t care about who s on city council I don t care who s on the local boards and commissions and various regional bodies I ll work with anybody who s there and I m going to stick to the state They say that if you do that you re not going to make enemies If you make enemies they never go away Friends go and come but enemies don t go away I d say a high percentage of

the elected officials take that attitude Don t get involved with local controversy don t get involved with local elections They might endorse occasionally but generally stay away from it And that is certainly the safer way to go

We chose not to do that and we chose to get in and fight for all of the seats and try to get people who believed what we believed elected And what we believed was trying to give people opportunities try to get better housing try to get better schools and try to improve safe communities Things like that It wasn t like we were interested in some real estate scheme or something In fact we were against those people who were trying to make growth happen unnecessary sprawl particularly

But anyway we went into this very activist role and as a consequence I was involved at least early on in almost every local election in some way or other either advising trying to get candidates trying to raise money And in a lot of cases running campaigns We started doing joint pieces which has never really been done successfully up to that point In other words we d put together a united Democratic piece which would have Dellums and myself John George Lonl Hancock and a whole lot of people that we supported And they got elected And doing polling one of the pollsters said that he polled all over the country and all over California He said that Dellums and to a certain extent myself but mostly Dellums and my association with Dellums was the only politician he d ever seen that actually changed people s opinion that his endorsement actually meant something Usually an endorsement sort of puts you in a camp it identifies you as being a part of a certain group But if Dellums supported you it was good for like he figured five to seven points

Well that s fairly substantial When I was running for the first time when I was running for the state assembly and I had not been elected in Berkeley before when I came to Berkeley and told people I was supported by Dellums and by Loni Hancock that was it People said Don t talk to me anymore that s it He had this incredible reputation and I was very fortunate to have a similar reputation by association You know everything was Dellums Bates does this I guess I was the token white [Laughter]

McGARRIGLE That s what I wanted to ask you is if you could comment on what the racial politics were like at the time

BATES The racial politics were such that I mean it was pretty clear that Dellums was interested in seeing qualified African Americans elected to public office and to gain a more visible role I didn t have any difficulty with that personally or philosophically and was totally prepared to participate in that Dellums had an advisory committee which advised him on local candidates just who he should support And over the years he actually honored that committee The committee had about I don t know forty or fifty people They would meet monthly maybe twice a month and during times of elections they would meet whenever they needed to They would interview candidates and they would look at them and they took it very seriously And they would recommend the endorsement of certain candidates to Dellums who almost always agreed with their recommendations

What I found myself was that I also was interested in wherever possible supporting the same candidates that he was supporting So that would be a lot of the staff talk we would have before the meetings with Dellums staff and they would know where my feelings were about various candidates and people And so when they went to these meetings I was never there personally but my point of

view was at least reflected and people I m not sure how it was discussed or whether it was discussed at all but it was pretty clear that I was watching and monitoring and trying to influence what I could their selection of people so that I wasn t for a controversy against Dellums And over the years we had maybe three times in twenty years or something maybe four times I mean it s a handful of times that we might have disagreed on candidates

There was an incidence in Berkeley where an African American mayor his name is Warren Widener who was elected mayor and was running for reelection and Loni s group that was called the Berkeley s Citizen s Action BCA was running Ying Lee Kelly who was an Asian woman against Widener And the question was Would Dellums support an Asian woman against Widener because he believed very strongly in trying to get African Americans elected and it had to be a really strong case But he did support Ying Lee Kelly You know he did have the capacity to support people other than African Americans But his inclination was to support African Americans

So then the trick was to try to find people who were interested in running and qualified people and good candidates and people who would be good public officials So it was a challenge But generally speaking you know that was his philosophy

And the other thing that I got very much involved with which was the election of women I became very interested in assisting to the extent that I could as a man the election of women and so I was just really focused on that I ran Betty Ann Bruno s campaign and the woman barely lost for Oakland City Council I was engaged probably in every women s election certainly in Berkeley and Oakland and was very successful At one point a few years ago the Berkeley City Council

consisted of 100 percent women Nine people all nine were women The mayor and eight council members were all women And when a man got elected and you know now there s two men I think You know it s not been easy for men In fact I take that back There s still only one man that s been elected But in any case I was very focused on trying to get women and have women get involved

So there s been a little bit of controversy like if you were an African American man and you have a qualified woman who s not African American I mean how would you resolve those things? So it ended up being a little bit of this and a little bit of that you know I would say But Dellums was pretty much the lead I mean I didn t feel like I wanted to be sending the wrong signal to our voters and so the extent that we stuck together we did

McGARRIGLE When you had the difference of opinion with him was that something that was resolved privately or was that something where you actually did not endorse the same candidates?

BATES Well it s interesting Over the issues from the war in Vietnam to cutting back the military to being involved with apartheid to Central America you know fighting the United States policy in Central America to the big issues the priorities of the national government the priorities of the state government we never had a disagreement ever I can think of on any of the policy issues or any of the philosophy around those issues or what should be done Death penalty gun control All of these things we were in agreement with And so that was never an issue The only issue was like occasionally would be the candidate and generally speaking I would try to support what people he wanted on there if he wanted it badly enough and they endorsed them and they went through the process and their committees supported them

In his twenty thirty years whatever it is in office I don t think he went against his committee ever Maybe once or twice he might have said 'No I m not going to do this I m going to do something else It was not uncommon for him to let his committee know that he wanted them to be neutral But he didn t really send signals to them that much other than the staff who was working locally And he was like a kind of above it which he would say Whatever you guys do you know Made sure he had the good representation on his committee from the various points of view that he wanted and he would go along with pretty much with what they said And there was one or two times when it might have the way I would have done it is I would have been neutral or not endorsed in the race or one or two times I was opposed

In fact when I first got elected an old friend of mine a guy by the name of Bert Coffey who was running for the chair of the Democratic party and Dellums was for somebody else for the chair of the party But I was for Bert And so I actually spoke on behalf of Bert at the convention and Dellums and his people were all for another person And Bert got elected My friend got elected But that was right off the bat what people thought was a big split but that really wasn t I mean it certainly wasn t a problem for me or for Dellums or his people that we disagreed on that

And one time there was a person running for the Peralta Community College [board of trustees] an African American woman and a man that I supported I supported the man and he supported the African American woman And I think the African American woman won But it was very very few handful of times It was almost like you know we re both out there both trying to do the same things Then I also as I mentioned the longer I was in office the less I paid that much

attention to each seat because we d actually taken over the seats And then it s a real hard when you have a friend or somebody you got elected to say the East Bay Regional Park District unless they re really screwing up I mean you re not going to run somebody against somebody you got in and somebody you are aligned with

What I did do which was interesting was I had this group of people that I would meet with I would meet with all these elected officials that were from our philosophy and our point of view So we d have meetings and there would be somebody there from the school boards from the park district from the water district from the Oakland City Council from the board of supervisors from Berkeley It was just like it was Mulford s worst nightmare had come true and we had taken over [Laughter]

Berkeley now is a much more challenging situation I was very fortunate to come into Berkeley I love absolutely love representing Berkeley because it was the ideas and the people and the fact that people really got engaged in issues and really cared about issues and really were concerned and passionate about them And almost always there were occasions but almost always I had the same point of view and agreement on the issues as a majority of the people So it was wonderful

And then it was just a fountain of ideas Just ideas you know Why don t you do this about solar power? Why don t you do this about bio genetics? Or why don t you just hundreds and hundreds a fountain of ideas And I always viewed myself as trying to take those good creative ideas and working the mechanisms of government to make them happen So it was like a dream come true And the people supported me overwhelmingly for state office and they supported Dellums overwhelmingly for the Congress over the years He was challenged once or twice

seriously but he just won easily Primarily he would get really high votes in Berkeley Very high credibility both of us had very high credibility But then we would endorse at the local level and people would be really livid that we would be endorsing against their candidates

And one of the big issues in Berkeley which we touched on earlier is the issue of rent control It was like that was a dividing issue You re either for rent control or you re against rent control And the voters of Berkeley constantly voted that they wanted rent control They supported rent control The initiatives to remove it were circulated and put on the ballot people would reject To tighten it up they would support So I always felt like it was like my baggage I had to carry around and fight this and we talked about it a lot But locally you know you get involved with these local elections and they would be won literally by a handful of votes fifty votes One time a person was elected to the rent board and he won by one vote When they got done with all the counting and all that provisional ballots he ended up winning literally by one vote

Once it got moved to November what happened was that the people who were opposing the progressive reform that we were involved with would always turn out at these April elections They turned out because they had a vested interest that they figured that [there was] going to be change or fear or whatever passion for their own candidate But we always had more difficulty getting our people to vote Students they could care less you know Well how s it going to affect me? We used to try to put things on the ballot to get the students to vote like legalizing marijuana or something Trying to figure out some issue that they cared about right? [Laughter]

They just fought like the Hatfields and the McCoys It was like they d just go at it And all the elections were really closely contested So we had this idea Well we got to change the rules That s one of the things you learn as a politician is that if you don t like it you got to change it We went to people and said We ve got to change the elections There s no reason to have an April election in Berkeley when we just paid for an election in June and one in November Let s move the election from April to November And so the voters agreed that that was a good idea to move the election to November

We realized that when we moved it to November that the numbers all changed Our people voted They voted for the national issues and then while they were at the voting booth they voted for the local stuff There s always a drop off from the top of the ticket people who vote for the president and don t vote for the East Bay MUD representative And then they didn t know who to vote for So they looked to Dellums and looked to myself for our various recommendations Our information we sent out was very valuable to people Now it s true over time other people came along with their own slate cards In today s elections you probably get five or six different slate cards one from pro choice one from the right wing groups that send them I mean everybody s doing slate cards

Some people do them for money People buy in to get their name identified with the Democratic party or something But in any case our names were considered to be a group of people they knew where we were coming from they knew that we were and I think it was actually true that we were honest and trying to do a good job and were working hard and weren t necessarily trying to just self aggrandize ourselves Probably some of that was true but in any case we did have strong support

So when we switched over the group that we were associated with which was called the Berkeley Citizens Action won every election They just all of a sudden they took over Used to be these seats were like you know five would be for one side and four would be for the other and they d be fighting it out tooth and nail Suddenly our side once we woke up they had nine votes Nine votes And this is after we changed the election day

McGARRIGLE And the other group in Berkeley was Berkeley Democratic Club? I mean you were talking BCA and then the other group was BDC

BATES Berkeley Democratic Club Yes It actually has quite a history Berkeley you know in the sixties was controlled by Republicans And it was a combination of things The Berkeley hills and a lot of the areas of Berkeley was actually quite heavily Republican They did vote and they voted in pretty good numbers It was a nonpartisan office so they said Look it this is nonpartisan Party labels don t mean anything We should run as a citizen and we don t care what party you know They didn t know what party candidates were in It hadn t become really partisan in that sense And then the Republicans when they saw things changing they started making book with started making alliances with conservative Democrats

There was a group in town that used to be called the ABC the All Berkeley Coalition which was Republican And they used to run candidates and they realized when they ran candidates they took votes away from the moderate Democrats people would have gone to So they basically stopped running candidates and started focusing more on trying to support conservative Democrats And then there was a group called the Berkeley Democratic Club which in probably any place else in America would be considered a left wing group but

here because of the issues around rent control and around growth issues and You know there were a number of issues that came up industrial planning zoning issues like that They wanted to make West Berkeley an industrial zone and people said No no We don t want that to happen They wanted higher density in the zoning where the other people said No we want to down zone We want to keep neighborhoods livable Neighborhoods we don t want ticky tacky apartments built for students in our neighborhoods We want to have diverters or barriers around streets so people don t roar through our neighborhood We want to have smoking outlawed in restaurants

I mean there was just a whole number of issues that this other group the Democratic Club not on all these issues but a lot of them that we re opposing So it was like they were more conservative in this town And they made alliances with landlords and others to oppose rent control and try to get rid of it They d support candidates that One of the litmus tests was Are you in favor of rent control? If you were in favor of rent control you were out they wouldn t support you Well it turns out Berkeley about 60 percent of the people are renters You know it kind of limits your base if you say I m And not all renters are for rent control but generally they are So it became polarized around these issues

Now national issues war in Vietnam the Democratic Club was very slow on coming around against the war in Vietnam where the BCA Berkeley Citizens Action was early on against the war in Vietnam was demonstrating Their whole movement started because of the anti war and issues around civil rights where the others were much more conservative Now they came around but it took a long time So there were these real divisions And Dellums when he ran was a BCA

supported candidate The incumbent Jeffrey Cohelan supported the Berkeley Democratic Club BDC So it was you know more conservative

Now Jeffrey Cohelan was really I think probably an excellent representative in a lot of ways but he did not come around to oppose the war He supported the war And finally he changed but it was way too late The train had gone You know [they say] all these people he didn t come around so the Democratic So there were real issues but boy they just fought it out tooth and nail Hatred real hatred vitriolic stuff that made it really unpleasant in a lot of ways Hate mail When Loni was mayor people spray painted our house and picketed I mean it was like really sort of the worst of politics came out But really when we made this change in the election suddenly everything was going really wonderfully

In fact I was in the assembly The nine newly elected people had not been sworn in yet They were waiting to be sworn in So I called them all into my office all nine of them and the mayor who we had elected His name was Gus Newport And we came in to the office and I said We really obviously are delighted that you won and everything but you ve got to guard against you ve got to realize that you need to guard against being arrogant and you have to bend over backwards to be open to what s going on with the people and listen and be reflective of that And the worst thing you could do is just run things like you totally are in control And you know they all said Yeah yeah and they just did the opposite It was like they did some things that were just They had the votes and then it was like it was too easy There was no opposition They didn t really gauge what was going on

They made some really stupid in my judgment decisions that haunted them one of which was Late in the game after about the second year the federal

government said that they had all this low income housing that was available and if Berkeley wanted them they could get like 172 units of low income housing And they said Sure We want it So then they d try to figure out where to put the low income housing And they went all over the city trying to figure out where to put the low income housing

And guess what? Nobody wanted it anywhere Even low income areas didn t want any more low income And certainly middle and upper class areas didn t want it So they took the schools and they also controlled the school board and they basically took school ground and converted it into low income housing Franklin School on San Pablo they took part of the school They placed it in various parts around the city and they just alienated their base of support because it was all in the lower parts and people were really angry

Then on the other side the Democratic Club and people affiliated I m not sure that they did it per se came up with this idea that they wanted to go for district elections We were all for district elections in Oakland and San Francisco Why not Berkeley? You could then have a district that would be twelve precincts and you could walk it You wouldn t have to rely on any money And so it was not a good idea we didn t think because it made it too small the city too micromanaged but the voters overwhelmingly approved the idea of having district elections

And so what that meant was when the people were up in the hills and other more conservative areas the Berkeley Democratic Club immediately threw out the BCA people and they elected conservatives in the area and they thought This is great You know district elections are working out perfectly

Well then Loni got elected mayor along the way through the district process She was such a skilled politician and she was able to get votes from the more

conservative parts of the city And even though she never really had a I guess in the beginning she had five votes but she never really had five votes that were identified with being with the BCA her group They were identified as being independent or whatever the Democratic Club So they thought well this change got rid of all the people And then Loni came in and they weren t so happy because it didn t work out exactly the way they had planned

And now what s happened interestingly enough is that the demographics of the city are such that there are of course there are eight districts and one mayor is elected at large So the city is divided up into eight small segments roughly 12 500 people The demographics are such that now that the BCA which has really atrophied and really kind of gone away in terms of a viable group and we can talk about that but Loni and I have split with them and we basically are no longer really affiliated with this group But what happened was that the more progressive people we did support

Suddenly there became five districts four districts for sure and almost five of the eight became districts that are now locked for the more progressive people People in the hills and the others who were interested in taking back the government basically now may have put themselves in a position where they will always be a minority

McGARRIGLE Because of the way the districts are drawn?

BATES Because of the way the districts are drawn and the composition of people living in those districts

McGARRIGLE And who was responsible for drawing the district lines?

BATES The districts were drawn by the people who put the initiative forward

McGARRIGLE It was the BDC people?

BATES Yes It s actually very difficult in a small small place like Berkeley I mean you have precincts that are drawn for county state national offices You can only put so many precincts into a district And so there s only like seven or eight I think actually I may be wrong I think there s like eleven precincts that go to each district So you can t really tinker that much with it And then a person who s been elected in that office in that area doesn t want to lose so over the years as they ve made adjustments to the lines they ve made almost none because there hasn t been the population change Every ten years you re supposed to adjust the lines in accordance with the population so it means tinkering If the last time they changed one or two precincts maybe in the entire city so it s different than when you have a county of Alameda with a million two hundred thousand and you divide it by five you can make all kinds of interesting cuts and changes

In the state of California and Congressman Philip Burton who at some point we re going to talk about You know he was like the Van Gogh of modern art for the Van Gogh s not the right analogy But it was modern art when he redid the districts of California I couldn t believe that he could possibly string these things together Looks like he took a lot of paint and sort of threw it at the wall and there were the districts You saw the ebb and flow Like we were fighting We changed the election from April in Berkeley to November and made a big change We took over We were overly confident overly cocky and arrogant That was probably accurate to say

[End Tape 19 Side B]

[Begin Tape 20 Side A]

McGARRIGLE clear and what s the word? When people vandalism with the spray painting and whatnot Was it clear who those people were?

BATES You know we thought we knew who they were But we were never really sure What occurred was that when Loni and I we were living in Oakland and Loni decided she wanted to run for mayor Actually I take that back She didn t decide she wanted to run for mayor Her house became available in Berkeley and she had divorced and her husband had moved out of the house He actually moved to another part of town He eventually married and he left the house so it became her house as her divorce became final

So we moved back to Berkeley in early January of 86 That was the first time I d lived in Berkeley since I had graduated from college in 61 We moved back to Berkeley Then she decided to run for office for mayor and of course was elected It was a very contentious very difficult time She was elected in a very close vote She won but it was like I think she won by 300 votes or something It was a relatively small amount but for Berkeley that was a huge amount Little did we know that that was looking in retrospect and also in looking back in past history people never got elected by any great amounts

So she got elected The moment she got elected there was a picketing of city hall by homeless activists and when she went to take her office there was a group of homeless people in the park They started camping out in the park right next to her office in city hall in the park Provo Park behind it Martin Luther King Park then They were in her hall demanding that something be done They were just some people that I would characterize as being marginal in terms of their anger and they ve lost a lot of their objectivity about being reasonable on homeless issues There were clearly a lot of homeless people in Berkeley Some homeless activists just you know they just took it out on her It was almost like they didn t

have to talk to her because she was a woman They could do things that they couldn t do to a man

Her personality is such that she is a really I mean if you get her angry I mean she could get really angry But she never really displayed that too much She was more reasonable and more interested in reaching agreement She was coming off a history of the previous mayor a guy by the name of Gus Newport who had been involved with the BCA and had had a reputation for being extremely rude to the public He was involved with a group that they threw out I mean we had to change the election to district elections a lot because of his style the way he treated the public So she felt an obligation to be accommodating to the public to listen to the public and to work across cross lines and try to build coalitions and try to work with all sides to make things happen It was a style that a lot of people found that they could take advantage of that they could push

There were some homeless activists and people like that who felt she went too far or did things that they didn t like Those were the ones who we think damaged our house There were people who were around the People s Park who wanted more action for her to do more things

McGARRIGLE They didn t find her liberal enough?

BATES Right She wasn t radical enough

McGARRIGLE Yes She wasn t radical enough for them

BATES No no That s right When she ran actually one of the guys who runs every time and he ran against her and he got 5 000 votes or something almost forced a runoff They were this group of people this sect of people that wanted more radical solutions to things like in particular the homeless issue That was a really a terrible knotty problem because you know the question is if you provide services

for people in Berkeley if you provide homeless shelters and you provide food programs I mean people will come here from all over because it s an accepting community And a lot of homeless people on the streets and people are saying We don t want them here We re happy to support them [but] we don t want them on our streets I mean I don t know if they re happy to support them but you know They belong in mental hospitals They need help We don t want to see them

And there were youth at that time that were coming here from all over the Bay Area coming to Berkeley on Friday nights They had to close down I mean it was like an incredible period of time that she was mayor Not to mention the fact that when she was mayor they had two major disasters the fire and the earthquake and the budgets were it was like in a free fall Local governments weren t getting money from the state government were taking money away from the cities and giving it to the schools there were terrible state budget cuts every year It was a really difficult time to be in office So there were a lot of people who for whatever reason would see her as being the problem and try to point up that she was they would get angry and take it out on the mayor

I remember there was this parade When Loni was in office there was a parade being held and we were in the parade and she looks up and there s this airplane that was carrying a banner and it said Loni fix the potholes Well when you look at the issue the potholes in the city were all over the place but what had occurred is that not in Newport s regime the mayor before him when Prop 13 passed they stopped doing repairs and there was no money for roads So Loni gets in you know and they hadn t done any work and she s being blamed for the problems that occurred in the past administration

She then really got in you know this was prior even to this sign showing up she was concerned about the status of the roads because it s a basic thing that you have the roads fixed So they went to the city manager and the city manager said that all these roads have been fixed So Loni said Give me a list of the roads that have been fixed The director of Public Works came up with a whole list of all the roads that had been repaired So Loni drove around to see these roads that had been repaired and none of them had been repaired The guy had basically just lied flat out flagrantly lied

She confronted the manager with this and the manager got the guy in and they basically fired the director of Public Works I guess he left or whatever You know in retrospect she probably wishes she would have fired the manager because she could have gotten because here was this inept administration And then I think a lot of it s changed thanks to her and others but the whole bureaucracy was not even functioning It was like they really weren t providing the services They didn t have any up to date computers So she brought in a city manager who was a guy by the name of Michael Brown who put in computer systems and put in management control There re still problems today but it is a lot better because of Loni s work

At that time I believe she was getting $14 000 a year She was dealing with a city manager who was a fellow she inherited and basically was able then to hire Michael Brown finally brought him in He wasn t perfect but at least he had the management skills and wanted to make changes The other guy was kind of a laid back person and he wasn t really I mean his style was not conducive to really cracking down on people and making things happen So she found herself basically telling the manager what to do Of course we have a city manager form of

government the elected officials set policy the manager executes the policy They re not supposed to run the department But she found herself in a situation where she had to basically tell this guy what to do You know Do this do that So she felt really resentful in some ways Here s she s getting $14 000 a year working seven days a week probably you know sixteen hour days and running the city not getting paid for it and this bumbling guy is running the city

McGARRIGLE And at that same point in time how much would a city manager make?

BATES $125 000 something like that

McGARRIGLE And the mayor s salary is that much less?

BATES $14 000 Yes We did get an increase during her time We put it on the ballot to increase it to adjust it upwards for the cost of living that it would have been if it had been adjusted And it went up to $21 000

McGARRIGLE And it s currently?

BATES I think it may be a little higher but I think it s still around that I believe they did increase it Maybe it s thirty now But it was really incredible too

McGARRIGLE Is that uncommon that there would be such a discrepancy between a mayor and her city manager s salary?

BATES Yes I think so I think that s right I mean they get paid a lot of money the city managers And they turn over too That s a big problem in most cities that they get city managers and they don t last so you have constant change and new people coming in and there s always turmoil

Just recently the city manager left I think he d been there for about five and a half years He told me that when he was leaving he said that he had the second longest longevity There was one guy who was here for like fourteen years in the

old days But people don t last Same as school board superintendents I think it s a big problem with local government the constant turnover of people

It s a tough job It s a really tough job You re on all the time You have to direct the police you have to do all of the police actions all the personnel and all the zoning I mean it s a very difficult job city manager But here the mayor was essentially acting in this case because of the situation and the inactivity and the inability to do such She s basically meeting with department heads setting programs doing all this stuff working her tail off and getting $14 000 a year She said You know I must be really stupid for doing this But you know I kept saying Obviously there are other rewards We weren t doing it for the money right? If we were doing it for the money we d be doing something else But no it was a tough tough place It was an incredible time

We were fortunate at that time that the University of California which a lot of people don t realize is a separate portion of the constitution and as such is exempt from local zoning it s exempt from local ordinances and pretty much can do what it wants gets its own budget The state legislature allocates the money it goes directly to the regents and then the Regents of the University of California determine what each campus should get They make recommendations the board approves it So they re actually like a foreign country and almost like a Native American tribe or something a separate nation or something in your community

There have been chancellors at the university over the years who were pretty arrogant about things They didn t want to the talk to the city or if they did it was just to shine on them They did whatever they wanted pretty much We were very fortunate that I was of course the state legislator One of the things they were ever concerned about obviously is the state budget and obviously it s the issues that

even though it s in the Board of Regents budget that they re requesting there are items that they want like buildings that they want built and seismic upgrades or they need certain things for the campus Since I ve been in the legislature I had accumulated a lot of knowledge about how the process worked and knew how to work the budget pretty successfully So I got to know the chancellors

Michael Heyman was somebody who we didn t know who had been involved in the Free Speech Movement on the university s side He was negotiating for the university He always seemed like a reasonable person and we knew him casually He became the chancellor This was a great thing for us us being myself and I think the city and also eventually for Loni because he was somebody who we could work with First of all I think it s true he had a great deal of respect for my opinion around issues related to the university like student activism how to handle it how we might diffuse it

One of the first issues he faced was the issue of building laboratories research laboratories and the issue of animals and animal testing and animal cruelty People didn t want it built They tried to stop the university from building those facilities because they were going to torture animals I was able to help negotiate and work out things that seemingly both sides were not happy with but they could accept

So he and I would meet and have breakfast every month just the two of us and his two assistants would come Sometimes Dion would come But we actually talked about lots of things and worked really very closely and had a very common set of goals and objectives we wanted to see happen

One of the first times I met with him I said that I wanted to do more about diversity and to bring African American and Latino and other people to the campus He totally shared that view and he was I think primarily responsible for

what became basically the really major integration of the Berkeley campus Now there was a backlash to change that

McGARRIGLE At the faculty level as well as the student level?

BATES Exactly The faculty but primarily the students It was easier to do it with the students but also with the faculty too He was very interested in trying to make changes with the faculty too He brought in a guy by the name of Dan Boggan to be his special assistant African American guy I mean he didn t just talk the talk he actually tried to make it happen So there were major changes in that way

We also were interested in the issue of the School for the Deaf and the Blind which was not part of the campus then When I got in office I was told they were moving to Fremont We tried to fight it but it was too late the state wouldn t change they d already bought the land they already had the buildings under construction Then the question is How is the Deaf and Blind School land going to be used? So negotiating with Heyman we basically arranged for a transfer of that land from the state to the university and we put in all kinds of conditions that the university agreed to And the question was How do you ever get the university to how do you enforce agreements with the university?

Well what we did was we came up with the idea of the land So we put deed restrictions into the land So it s changeable but it s really hard to do When it got conveyed we actually put the covenants and agreements into the land

McGARRIGLE In terms of density usage? It s fairly pastoral looking now [Laughter] I mean it hasn t

BATES Yes

McGARRIGLE changed greatly in ten or from the time when it was still part of that

BATES It hasn t changed at all I said we wanted to have the community have access the outside community not just the campus community to the track and to the swimming pools so that its recreational facilities would be shared with the entire community We also said that we wanted to have senior citizen housing built on the site intergenerational housing that was built And Mike Heyman I thought Oh he ll never go for this And he was all for that

McGARRIGLE And those are rental units?

BATES Yes There s these wonderful wonderful senior [citizen housing units] I don t know how many maybe 250 units up there

McGARRIGLE Really?

BATES Yes It s along I want to say something like Derby

McGARRIGLE Dwight is that Dwight?

BATES It s the one that runs parallel along the southern section of the land Right in there there s this huge senior housing

We also said that we wanted to have only so many students We specified the number of students units that could be there And then we said they can t have cars We said that only so many car spaces could be allocated So their neighbors were concerned about the cars and traffic We indicated only so many cars could be there The students now call it the country club They have all this space and they re not crowded in the rooms Where some of the dormitories on campus that were designed for the maximum two people are now at three in the dorms It s like I don t know how they exist in such a limited space But these are now spacious and it s worked out great

McGARRIGLE Was the School for the Deaf and Blind is there a suggestion at all that they were why did they leave? I mean did the university have its eye on that land?

BATES Probably they did The story that came down was that Wilson Riles Sr was the Superintendent of Public Instruction for the state He visited the school and he was concerned about the fact that faults [the Hayward Fault] ran right through the property and it was unsafe He said that he wanted not to be responsible for this structure to collapse on these deaf and blind children These deaf and blind children over the years what had happened is that a lot of mainstreaming kids who were blind and deaf could actually be integrated into the regular school system A lot of them had been sort of siphoned off The kids who were there actually had multiple problems They might have been blind and also have mental problems and other things Sometimes they were blind and deaf I mean they were really complicated kids

So he wanted to and the legislature agreed to move them to another location The people in Berkeley were really upset because for one thing it was a wonderful place to have a school like this because the community cared so much about the kids You d see them walking around the community you would see them in stores they would be mainstream And then the most important fact was that the people volunteered They had all these volunteers that would work with kids in the school So it was a very loving and caring environment that the kids were in They moved to Fremont which we were concerned because it s a little bit isolated It isn t the same kind of a community They didn t have things around that they could walk to Where they were they could walk down to Telegraph Avenue or they could walk to College There were things that were available to them they wouldn t have there

We couldn t stop it and they moved built this building and built the school campus and everything and then they looked and found out that it was seismically unsafe An earthquake fault line runs right under the school So they moved down

there and it may not be any safer than they would have been had they fixed up the Berkeley campus

McGARRIGLE Is it a board facility also?

BATES Yes it is

McGARRIGLE The Berkeley one was too?

BATES Yes

McGARRIGLE They stayed there

BATES Yes It s Spanish style and there s tile roofs and all kinds of things could fall on the kids We were able to renovate it and make it available for the students to be able to move into the facility And it s a wonderful facility

Then in addition to that the area behind was able to get dedicated into the regional parks So the state switched the land it used to be state land And that land all went into regional parks So the regional parks go from Claremont Canyon around working its way north include this land and then land comes up against the campus land that the university has the UC systemwide All the land is owned by the university is owned by the regents so the campus can t necessarily do things without the regents approval But Mike Heyman I got him to think about designating the land next to the land behind the School for Deaf and Blind in the hills behind Strawberry Canyon into what s called an ecological preserve So it s now marked as an ecological preserve which means that theoretically it s not going to be developed

But the university suddenly buildings pop up all over the place You never know These buildings are part of the Lawrence Berkeley Lab And then one time Mike Heyman and I of course played football at Cal and he was not a great football fan He d invite me to go to the games and we would go to the games and

talk about things other than football [Laughter] When he was a chancellor they had the artificial turf We d talk about it and I d say We ve got to change this turf We want grass And so we worked out an arrangement where we would get grass on the field and the exchange was that we would put in another field a practice field up behind the stadium on Strawberry Canyon and they could have a practice football field The reason that they needed artificial turf was they practiced on the field there s no place for the team to practice And if you practice on the field and then play on it in muddy weather then the field gets all ruined So you need a separate facility to practice on So I said we could do that

Then the problem was there were tennis courts They were going to lose like four tennis courts All these faculty people so I said OK I will take on the issue and help you with the tennis courts if you will put in another grass field up there and then you could put grass into the stadium So he said Sure So we worked it out

McGARRIGLE You worked on that issue at the legislative level?

BATES No actually it was just community The people were all upset We started working on it and said Well no no We have to figure out some other way to get some tennis courts and find some other tennis courts around

McGARRIGLE Because I remember when that field went in and the controversy around it It s just on the way to Strawberry Canyon

BATES Yes yes So Mike Heyman and I were and then there were all these other buildings that we got done and I was concerned about an earthquake and he became really a strong advocate for upgrading and seismically making buildings safe So Mike Heyman started a whole program of seismically upgrading the unsafe buildings

Mike Heyman met with Loni and they worked out an agreement on People s Park that is still in effect pretty much He agreed to work out the problems they had on Telegraph Avenue where there was a big problem with Telegraph Avenue with the high school kids coming high school age coming from all over the Bay Area to Telegraph Avenue and causing all these problems They figured out commonly how to do joint policing Loni and others figured out that they were providing the university with all this fire service and all these other services and weren t getting compensated So he agreed to give I think like a million dollars a year to the city to pay for services

So it was a wonderful wonderful working relationship that we had with him He was there for ten years and then he of course after ten years he resigned He taught for a little while and then became the secretary for the Smithsonian Institute in Washington D C He just recently returned back to the community and I guess he s teaching now at the law school part time But it was a great working relationship

Then the next chancellor came in Chang Lin Tien We had a good a relationship but it was never like it was with Heyman It just never really got the same kind of thing had the same kind of trust never really had the same kind of working relationship with him It was good It wasn t bad It was just not great like it was with Heyman It was during Loni s time so he had us both going and coming you know? She was the mayor He had to deal with the mayor and then he had to deal with her husband at the legislature for all these things he wanted So he had to cooperate all the way around with both of us to make things work So it was good

His assistant John Cummins who still continues to be assistant vice chancellor I don t know if that s the right term assistant to the chancellor He was like the chancellor s chief of staff [Assistant Chancellor/Chief of Staff Chancellor s Immediate Office] He was also a good friend and somebody who we really worked closely with He would especially in Heyman s time if there was a problem they would call us What do we do about this? The students are rioting out here We were trying to give them some advice about how they might deal with these concerns They didn t always take it but they d always ask us which was nice So it worked out to be good It worked out to be really good We knew what they were doing

The only problem we ever really had was when Loni and I accompanied a group of people David Brower the really famous environmentalist at Berkeley to Russia Loni and I went to Europe first to visit her father who s in Romania where he was working on economic development Then we joined David Brower in Moscow We spent some days in Moscow This is just as it was turning over Actually as we left Russia was when the coup actually took place When we were leaving Russia as we were going to the airport and we were driving up to the airport This is after having been out in Siberia and places we d come back to Moscow We were leaving for the airport and there were all these tanks on the road And I said Well there must be a military exercise or something We got to the airport and we took off and then we later found out that that was when the coup had taken place and Yeltsin had taken over We probably couldn t have left if we had left a few hours later or the next day

What happened was when Loni and I joined up with David Brower and we went out to Siberia to visit Ulan Ude which is a city we were considering making

a sister city with Berkeley It s one of the wonderful things about her being mayor is the sister cities and traveling around So we re out in Siberia and we re in a place called Irkutsk which is way out in Siberia and there s no telephones I mean literally we went to see the mayor of the city he had like five telephones on his desk and there was like a red one [laughter] and none of them worked

McGARRIGLE They had no service

BATES They had no real international service So we were out there and there were problems in Berkeley they had these riots taking place on Telegraph Avenue and they couldn t reach Loni There was no way to reach her We didn t know about it we didn t have any newspapers We were out in this small place out in Russia out in Siberia When we were gone they couldn t reach Loni and Michael Brown the city manager overreacted and ended up letting the police shoot rubber bullets at the demonstrators People got hurt and it was like this riot out of control riot If she would have been there or been in contact it might not have happened I mean there s no reason to have reacted the way he did It s sort of like he got carried away with a macho police attitude his military juices flowing and he ended up allowing the police to fire rubber bullets

McGARRIGLE That s when the Bank of America windows were smashed?

BATES Yes That s when the windows are all smashed and all these other problems took place Had she been home I don t think it would have happened It might have But we were in Russia People wouldn t believe it They said Well that s just a phony excuse [Laughter] What do you mean you couldn t be reached? Where could you possibly be that you can t be reached? But we managed to find a place [laughter]

So anyway hers was a very turbulent time being mayor She did an incredible job being mayor My job was like a piece of cake in comparison to hers and the problems she had We would be home and the phone would ring and people would be calling the mayor to complain about problems that were state problems

[End Tape 20 Side A]

[End of Session]

[Session 12 October 26 2000]

[Begin Tape 21 Side A]

McGARRIGLE We talked last time about UC and about your close working relationship with Mike Heyman I wanted to ask you if you found or experienced conflict in terms of being a legislator representing this district with UC Berkeley in your district and what expectations were for you and your own goals?

BATES Well there were people who a lot of them were obviously connected with the university who really felt like it was such a wonderful opportunity for me to have the university in my district and I really should represent the university s interests They were even overriding local issues like concerns that the city might have that if the university was taking a position of such a prestigious university that meant that I should bend over backwards to represent them even if it was in conflict with the other issues and other concerns that might be arising from the county or from the city

I actually took the view that the university was so strong in their lobbying and in the amount of attention that the legislature paid to the university and of course the university has a separate item in the [California] constitution that establishes the university and as such they receive a budget that goes directly to the university The legislature holds hearings around various line items that the university wants to have in their budget Once the budget is passed it s a lump sum It goes to the University of California who then divides it up into the various

campuses and also allocates it in terms of their staff and the various professors and clerical help and all of the people employed with the university So once it leaves the legislature it s out of our hands

The other thing that the university did which was interesting was when I first was up in Sacramento I tried to advocate on behalf of the Berkeley campus and the budget itself I would go and request certain items be included for Berkeley in the budget I was told in sort of uncertain terms that that was really something they didn t want to have happen that they didn t want to have each of the campuses each competing at the legislature for various projects and various funding proposals

McGARRIGLE And how would that message have come to you?

BATES Very directly The chancellor called me up and said that they really appreciated it but that s not the way that they really have to work through the system UC systemwide As a consequence even though they appreciated it that wasn t the way they had to operate So as a consequence there was sort of some constraints that were put on each of the legislators who were representing say Santa Barbara San Diego or Riverside or wherever Berkeley wherever the campuses were It was done through the system so that meant that it got diluted from my standpoint There were issues that would come up every once in a while where people would be taking on the university and sort of at that point sort of the delegation of legislators that represented the university would informally caucus and come up with some strategies that would help them stop some move against the university or potentially support the university in some efforts that they wanted to move forward with

It was interesting It was always this conflict And one of the conflicts was obviously the university being a separate entity almost like a separate country or

like the Vatican dropped in the middle of California was a conflict with other jurisdictions governmental jurisdictions Also the students and also the faculty and the issues around the teaching assistants wanting to be unionized And they came to me the students who wanted to be unionized the teaching assistants and I carried legislation on their behalf to allow them to engage in collective bargaining

Of course the university was dead set against this So they lobbied against it and were successful in stopping the legislation for years Interestingly enough this last session of the legislature the legislature passed a bill and the governor signed the bill providing for collective bargaining It took a long time but the teaching assistants now have collective bargaining But that was an issue They thought that was really disloyal on my part to go up against them in that regard

The students themselves always had issues things like not enough housing Housing was always a problem at Berkeley and continues to be a problem With the rental market being so tight every year when students come to Cal in the beginning of the fall semester and try to enroll as freshmen it s very difficult to find housing and it s become increasingly difficult over the years as roughly 5 000 students come every year to the university to try to find housing and people don t exit The 5 000 people don t leave There s always some people who like it here like I did and decide they want to stay here So there was always this pressure around housing issues The university has in the past and even in the present will sometimes take very arrogant positions like We know what s best for you and this is what we re going to do And they don t really consult with student leaders or don t consult with local mayors or other people who might be impacted by their decisions

McGARRIGLE Like in terms of building dormitory space?

BATES Building dormitory space making decisions about things like allowing students to have various kinds of activities on campus Students as an example would want to have well this right to negotiate and just them flat out saying No we re not really interested in doing this Go away You know over the years it seems like one of my main jobs was acting as a buffer between the community around the campus and the campus itself

As an example when Michael Heyman was there and as we talked we had this really excellent relationship but prior to working out some agreements with Michael Heyman who was the chancellor for ten years the university took the position that they really weren t interested in policing activities around Telegraph Avenue that that wasn t their responsibility Their responsibility was the campus If somebody was violating and breaking some law and then one of their officers saw it they would cite them But they didn t feel like it was in their purview to really do joint policing So we really started banging on them saying No no You ve got to help out This problem is impacting on you because it s giving a bad reputation for the university people are fearful so you need to participate We were able to work out a relationship around getting the university to be involved as partners

One time the university wanted to do some sort of incinerary waste facility where they would actually burn various kinds of what was thought to be potentially dangerous biochemical disposal incinenary kind of thing that they wanted to construct So people came out against that in a very hard nosed position People really were dead set against this and the university basically backed down and changed their view which was nice to have a being able to negotiate and see them actually change their position

Over the years they had all kinds of different ideas for different things that people were against and other ideas they were opposed to As an example for years the people were concerned that the students weren t really utilizing the public transportation and wanted to get the students to participate in having some way that they could ride the buses at some kind of a discounted fare The university basically for years was not interested in even talking about that And finally they started talking in earnest about it and then working with the students and really student government The university the administration basically convinced the students which it was an interesting ploy to put it on the ballot to have the students vote whether or not they wanted to have an increase in their tuition fees to pay for a subsidized bus fare Surprising to everyone it passed overwhelmingly and now the students have a free way to ride the AC Transit Now you see the buses actually full of students which is sort of a

McGARRIGLE Really?

BATES Yes which is really a nice thing So it s sort of been like a mixed bag It s like a giant in the other room who does wonderful things sometimes and other times runs over people does things that people are opposed to An example was some of the housing that they built There were people who really were opposed to having the university tear down housing that was built around the turn of the century to build dormitories The feeling was that if they did that that they weren t going to provide adequate opportunities for the students to have parking for their cars and it would impact the streets and all of that The university to their credit did negotiate some of those things and did say Yeah let s try to figure out ways that we can mitigate these impacts

I think that over the years going from when I first started in office from I would say a position of being really arrogant and really not concerned about the community itself of course this all stems from going way back to the seventies when we had the People s Park incident where Berkeley was occupied by the national guard Ronald Reagan when he was governor was trying to be really hard nosed with what they thought were student provocateurs and people who were anti American who are against America s policies in Southeast Asia and for the whole Civil Rights movement It was just a cauldron of political activism So the university really tried to resist it in every way possible

They had that attitude that resistive arrogant we know what s best for you kind of paternal approach Over the years it sort of did break down I think we ve gone through a period at least when I was in office during the Heyman years and actually during Chancellor Tien s term I think that we actually saw some recognition on their part that they needed to be good neighbors they needed to cooperate they needed to work with the community

Now it seems like there may be a little it s hard to say I m not exactly as close to it as I once was but now it seems like they seem to be going back into a period of saying Okay we re going to go ahead with these projects primarily housing projects and we don t really care what the neighbors and other people think about it We have a need that we need to fill and we re going to do it As a legislator you re one of few people who actually they ll listen to They don t have to listen to the mayor they don t have to listen to basically all of the local officials but the state legislators they do have to listen to because they do have the power to vote on their budget They don t want to have them alienated

So there were a lot of times we were able to compromise things out because of my active role or my office s active role in disputes between the community and the university

McGARRIGLE That s really interesting Were there other legislators who you would get together with to discuss university issues so that at the budget level you had an impact with others joining you?

BATES Well actually what would happen is that we would usually like it wasn t always every year but it seemed like when there was a problem we would convene ourselves and try to have breakfast or something where we could talk about what s going on A lot of it had to do with the student fees rising of the fees and trying to figure out a way to stop that and curtail it so that it would remain affordable So it was mostly we d get together when there were assaults on the university

McGARRIGLE And you mean get together with other members of the legislature?

BATES Yes other members of the legislature who represented the university areas Also the university every year has a lobbying day where they get alumni to come up to the capital They meet with the alumni by campus and they basically come up with an agenda that they want to see pursued in the legislature It s usually orchestrated by the systemwide lobbyists who knows exactly what their program is where their concerns are albeit funding or an attack on say tenure There was a group of professors who were concerned that the university was making people tow a certain line in terms of being a left wing The assumption by this group of professors was that the university was a hotbed for left wing activism and that it needed to be countered So they were actually up in Sacramento talking to the legislators about that So there was backlash to that about academic freedom so there were concerns discussed with the legislators

Every year then the university would have an agenda that would be determined to be systemwide Then all of the campuses alumni would come to Sacramento and they would meet and discuss the agenda Then they would actually make appointments with their representatives and generally that meant an assemblyperson and their state senators Sometimes there would be more than one assemblyperson and sometimes it could be more than one state senator The university watched very carefully it kept a really close eye on the legislative process and what legislators were in what key positions

Senator Petris who was my counterpart in the Senate was on the Education Committee and also was on the Budget Committee and actually headed the subcommittee on the University s budget the fiscal committee that heard the university budget Petris chaired that committee and there were three members of the committee There was Petris who graduated from Berkeley and was a strong supporter of the university and there were only two other members There was one Republican and then almost always the third member would be a member of the senate who also represented a university campus So they [were] extremely well positioned in the budget on the senate side

The assembly side was a little bit more loose it wasn t quite as well orchestrated for the university But the state senate when I was in office then was very strongly supportive of the university And their university well it could do some things wrong but generally speaking they were right there to support them no matter what Maybe they were more conservative and maybe that you know the university is not a fool they had lobbying people coming for years talking to people and taking them to various campuses for various events

Then along the way the university did another really smart thing which was they set up a basically a university sponsored public policy [institute] that would work closely with the legislature around various issues that legislators were interested in So as an example about roughly I think in the neighborhood of at least a million dollars in some cases more than that would come to this public policy institute that the university had set up and then they would do research on projects that were near to the hearts of legislators Things like access to health care by various groups there could be a study about state finance like how does our financing system operate compared to other states?

It wasn t geared as specifically to any direct piece of legislation but it was like background information that was very helpful That way they had researchers and other people helping the members of the legislature gain knowledge around specific issues that they wouldn t necessarily have the opportunity to get

Then they also established what they called a Senate Finance Retreat which was held almost always at Berkeley but in recent years they ve moved it to other campuses This would be a weekend actually would be set aside where legislators would come from Sacramento to Berkeley and would be put up at a local hotel the Durant Hotel Then they would have a series of seminars that they would organize around specific issues that were relevant to the state problems like there might be one on immigration or there might be one on the impact of the sales tax and the growth of say the high tech industry Probably more relevant would be like What can we do to stimulate the high tech industry in California to make it prosper?

They would bring in people from all over the campuses who were experts in this particular field and the legislators would come down and they would have an

opportunity to gain some knowledge But in addition to that one of the highlights was that they always went to really elegant places for dinner in San Francisco or in the East Bay and the chancellor would have them over to his house on the campus where they would also have a chance to talk to him informally So there was a lot of lobbying and a lot of really good will that was built up for the university

What they did was they invited other members It wasn t just the Senate Finance Committee They invited other members to the university campuses So it became almost like a boondoggle You could go to Berkeley you could go to these really really elegant restaurants and have these wonderful meals [at places] like the Blue Fox or like Ernie s or Chez Panisse and they would have all of this really incredible food Then they d have these people come in to talk to them about issues and debate issues It was interesting for them and informative but there was this great side benefit which was all this good will built up by the legislators plus legislators got to bond as a group

McGARRIGLE Were there members of the public who were aware of that? Did that ever become a controversial issue?

BATES Not that I know of The legislature is not covered by the Brown Act The Brown Act just covers local government which means that all meetings that are held have to be noticed seventy two hours in advance and you have to have an agenda that s available to the public prior to the meeting You can t make decisions in private You can t make serial decisions You can t have a series of people make phone calls and everybody agree and then come into the meeting even though they haven t talked as a group somebody has organized it The legislature is not bound by those laws that they pass for local government So this was like an education [an] informative kind of seminar that the legislature did

The legislature holds hearings all the time One of the functions is to not only pass laws but also to hold hearings on various issues to learn more about them to do oversight on the various programs to make that sure that they re going properly and adhering to the law because once you pass a piece of legislation regulations have to be written to implement the legislation Then it goes usually depending upon what it does but if it goes to the counties we have fifty eight counties [who] interpret the regulations interpret the law and may end up with a totally different program than people had envisioned or at least change it substantially from what people had envisioned when they passed the original law Oversight hearings are held all the time

This was a good time People had a lot of fun at these retreats and they were well attended The university took it very seriously they d bring in really excellent people and a high caliber of work A lot of the work had to do with economic forecasting because in the eighties things went really badly in California in terms of the economy went in the tank and the revenues were way off And it was like How do you deal with these problems in ways that are not involved with having to make an immediate decision but gaining information about things?

McGARRIGLE Did you participate in those?

BATES I did I did because a lot of it was in Berkeley What I would generally do would be I would look to see which speakers and what issues that I was particularly interested in and I would attend those sessions There was never a time when I spent the entire three days attending the session but I would go usually for one or two sessions and particularly was interested in the economy and what was happening with the economy in California what were the chances for turnaround

There was a professor Larry Kendall from UCLA who does economic forecasting and he was very accurate over the years in what he predicted I always tried to attend Larry s sessions He generally presented almost every time because it was a finance committee and they were interested in where things were going

And then there were times when I would go just because I was interested in going Then my wife and I would go to some of the social events We would go to the chancellor s house for dinner and we would go to San Francisco or something if there was a particularly interesting place people were going for dinner

What happens in Sacramento is that we re so busy doing the work and I chose to come home in the evenings almost every evening after the session was over Monday through Thursday I would drive home every night So I didn t have a lot of social interaction with the legislators It was probably I think we discussed this earlier but it was probably a mistake on my part because social friendships can really mean a lot when you actually need some support from someone around a bill and it s a questionable call or if they like you and have a relationship with you the chances are much greater that they ll support you rather than somebody they don t know So I tried to go just to have an opportunity to meet and socialize with people and have an opportunity to gain some personal friendships

They were all business related There s no one really that out of those retreats that I see now as an example But yes it was helpful to go and spend time with them so that they knew where I was coming from [There s] a stereotypical notion of Berkeley as out of touch well if they see you and you discuss things and you re involved with them they recognize that a lot of those images are falsely based and they have no real concrete basis for making that interpretation So that was helpful

Petris always attended and so we became closer friends and worked closer on district issues too because having had some social interaction too

That s one of the problems with term limits is there s really not that opportunity for people to get to know each other So now we actually knew each other and knew what was going on It was helpful

McGARRIGLE With Petris s strong support of the university was there friction there? Did you find there were times when you were on different sides of an issue?

BATES There were times when we had disagreements on various things but it was muted usually He would take a very strong pro university position and quite frankly he had much more power than I did because he sat right there on their Budget Committee So when he did something wanted something they did it I mean it was like he made a request for something or wanted some information they got that information for him immediately or whatever as quick as possible And they treated him very nicely He was almost like a I used to think of legislators as being sort of like small it s probably terrible but almost like in my judgment like doctors almost everyone was bending over backwards to do whatever they could for their little demigods you know little fiefs running around Fief is not the right word

What I meant was that people had a great deal of reverence for their and Petris you know they did He was a wonderful speaker and a really excellent person who could give wonderful talks on issues and he was philosophical and he was interested And his background coming from Greece he was interested in all of the wonderful days of Athens and the golden era of Greece He went to Greece one time and was involved with a city called Nemea Evidently at Nemea they had Olympic games there So he got the university to become interested in this

archeological site They completely renovated the site and they sent professors over there Not that they wouldn t have done it anyway but it certainly helped that he was chairman of their Budget Committee that they were interested in doing whatever they could to make him happy

And so this was an intellectual pursuit that also coincided with the university He had a lot of sway with them In my case what had happened was I had a the reason that I think they paid attention to me particularly at the Berkeley campus was because of my connections with the city government and with the local politics So they saw me as being somebody who could help them understand what the politics were all about and various issues that could help them navigate their way through the thicket of problems that came before them So mine was based really on sort of pragmatic things about how they might work their way through the thicket of the problems Where Petris was just really I mean I don t want to be unkind to him but he was with them I mean it was like it was an assumption Where in my case I wasn t necessarily going to be with them so they had to sort of keep him happy and try to figure out ways of keeping me on the reservation

It was where we have our most power though I would say as a legislator in Berkeley having the ability to work with the university gave us much more power than say the mayor of a normal city would have or the city of Berkeley would have because there s no way that they re going to relate to them and there s nothing they can do to hurt them I mean they can scream or holler or go to the regents and they d just get dismissed So that was it

McGARRIGLE Did you get involved when divestment was such a big issue in the eighties?

BATES I did I did very much so Maxine Waters who was an assemblywoman at that time she later became a congresswoman was extremely interested in this issue

That was like her issue was divestment and so she really pushed it really hard I was a coauthor of all of her legislation supported her legislation Then when the campus became politically active around the question of divestment we were certainly a supportive role trying to help the students any way we could with that because we saw that as really helping our efforts at the state level putting more pressure on to try to bring about some kind of change The person who was one of the main leaders was a student who was a student body president His name was Pedro Noguera and he became a very close friend later worked for my wife as her assistant when she was the mayor Then he became a tenured professor at the University of California

Actually Mike Heyman really had great great respect for Pedro and wanted him to be involved with the university and wanted him to stay in academia

[End Tape 21 Side A]

[Begin Tape 21 Side B]

BATES So Heyman really liked Noguera He really thought he was a wonderful rising star He really is and continues to be He became a tenured professor at the University of California

McGARRIGLE What field would that be?

BATES He was in education

McGARRIGLE Okay

BATES Yes In education And he did a lot of work on diversity and problems of inequity in schools and stuff He used to teach at the high school because he felt like it was important not only to teach at the university but also to be involved with kids that he was trying to study and trying to understand So he used to teach at the alternative high school which was for at risk kids Then recently Pedro was

offered a job at Harvard and he accepted that He left the Berkeley campus and it was a great loss for us because he was really a wonderful wonderful human being and professor He s now at Harvard in their education department He left

The point was I don t want to overstate this that students really were doing the anti apartheid work and there were other people that were supporting them from the community I was only playing a really secondary role which was we were certainly encouraging them we certainly weren t doing anything to hurt them You don t have any kind of state action that could be seen as being derogatory to what was going on You have to understand that Willie Brown is the speaker of the assembly who s totally in favor of doing something about divestment and the apartheid in South Africa So we had a lot of support in the legislature for that, and on the Democratic side

The problem always considered was that Deukmejian who was the governor at that time whether he would support any kind of divestment move on our part We were absolutely amazed at least I was amazed when Deukmejian actually came out in support of divestment of the university in their portfolio He did so on the basis that he was Armenian and he remembered the genocide that had taken place with the Armenians and so he empathized with what had happened to the Armenian people So he basically changed his positions or at least I don t know if he changed it but he certainly came down on the right side of this issue from our point of view

When the university divested it was a major major turning point from people later when they came to When leaders like Mandela came and they knew what had happened they knew what had occurred with the legislature and they knew

what had happened in terms of that whole momentum about the University of California divesting So that was a big turning point I think in the whole issue

And of course the whole issue of divestment and apartheid was really quite centered here in the East Bay with Congressman [Ronald] Dellums when he first went back to Congress in the early seventies introducing the first divestment resolution in the Congress and fighting for years and years to have it happen and then finally getting the Congress to approve it His notion about divestment was pretty amazing I mean it was like a long time struggle

Then when [Nelson] Mandela came to the United States he basically went with Dellums Dellums was the person that showed him around and gave great reverence to the role that Dellums had played And then this whole area was just a hotbed of trying to get divestment was a big issue In fact Loni when she was on the city council put forward a resolution in the early seventies to divest the city of Berkeley from the apartheid regime in South Africa And it passed We re not sure either Berkeley was the first or the second city in the United States to divest I think Davis claims that they might be but Loni put in this resolution that passed and so she was like one of the first early leaders in the city governments to divest And Berkeley of course divested early So it was either the first city in the nation or the second

So you ended up with a situation where Dellums is fighting in the Congress someone like Loni Hancock is fighting in city government to divest Pedro Noguera later leads the Berkeley campus around divestment and goes up and where you have students rioting and going to the trustees the regents meeting and sitting in I mean it was like huge activism And then I was lucky to play a part in

it at the state level sort of a minor role but I still was active in it too So it was the East Bay and Berkeley played a significant role in the turning around of that

McGARRIGLE What was the timeline for that from the time when Dellums first started at the national level?

BATES He was elected in 1970 and I think he introduced a resolution in either 1971 or 72

McGARRIGLE That s early

BATES And then Loni s resolution to divest was I think it was also in 72 So it was really early And then of course there are all these years of Dellums introduced it every year to divest and sometimes it would get through the House and not get through the Senate It was always in a kind of and then they d try to amend it It was a huge struggle It took years I m not exactly sure when in the legislature Deukmejian did this So this would have been in the 80s So probably about 88 something like that that the state divested I m sorry I don t have that

McGARRIGLE No it s okay Did you interact or have a role with the regents? How do the regents fit into this picture?

BATES I actually didn t You know the regents were generally speaking were appointed by at that time they were hold overs from Jerry Brown had some appointees that were still there Deukmejian made a lot of appointments and Wilson made appointments over the years Prior to that time there were some of Pat Brown s still hanging on and I guess some of Reagan s because they were appointed for sixteen year terms so it was a long time Other than one or two regents that I knew personally of course the lieutenant governor is on the Board of Regents and the speaker is on the regents and the governor is on the regents so I of course knew those people

One of the regents who was a very close friend and who was actually very helpful for me not only as a regent but also later with my lawsuit around the term limits was William Bagley who was a former state assemblyman from Marin County He was sort of a and still is a liberal Republican He agreed that the apartheid was bad He fought really hard against the changes the university made around affirmative action later He was somebody who was sort of like a dying breed a Republican who could basically get along with Democrats He was a person who carried a lot of the progressive legislation on the Board of Regents So it just goes to show like we re defending the middle right? A liberal Republican was considered to be an extremist on the regents at that time He didn t have too many allies but there were some

And Jerry Brown appointed people to the regents so [they] had some other people Yori Wada was a regent and he was a good regent It was a very highly prestigious job to be a regent Usually people who are appointed to the regents were people who were heavy contributors to political campaigns The grand payoff is to be appointed to the regents I think Yori Wada might have been the only person or one of the few people who were appointed who didn t fall into that category He was appointed because of his knowledge and being one of the first Asians to be appointed

McGARRIGLE Yes And he was director of the Buchanan Street YMCA in San Francisco

BATES Yes A wonderful person

McGARRIGLE He had a big presence in San Francisco?

BATES And he was also an ally and friend But generally speaking the regents were in another world and we just basically tried to figure out what we could do to make the bureaucracy react and try to do it without trying to deal with the regents [We

were] trying to figure out ways of doing things that wouldn t cause the regents to change their policy but would move towards making changes So that was pretty much it

I ve never really had very good relations with the presidents of the university David Gardner was a conservative Mormon who was the president for a long time And we didn t get I mean it was just We had occasion to interact but generally speaking he was answering to a more corporate California than I was coming from Occasionally we d have a conversation and things but generally speaking I worked mostly with the Berkeley campus

McGARRIGLE Did you get involved around that in his retirement package at all?

BATES Only to criticize it [Laughter] Only to criticize it See that was the thing is the University could do whatever they chose and so the regents gave him what was considered to be really an incredible golden parachute As legislators all we can do is sort of say That s terrible but we had no real power over it But public opinion makes some difference Sometimes the university doesn t care they get bad press and they just sort of wait until it subsides and move on But they have a lot of bad press about salaries and corporate airplanes and all this other stuff I don t want to just criticize David Gardner but he was seen as somebody who took the university [which] was basically a mentality of educators and turned it into more of a corporate arrangement where people The administrators were in downtown Oakland he wanted to get out of Berkeley he wanted to go to downtown Oakland and be in the business community It was he wanted to be have an arm s length to the education community It was almost a military sort of mentality that they were going to relate to business and not so much to social issues and things I don t know

if that s a fair criticism now because things have changed but that s what people thought at the time

McGARRIGLE Yes Yes Were there other presidents who you interacted with as well?

BATES No actually not really

McGARRIGLE Jack Peltason following Gardner?

BATES Yes Not really I really just focused on the Berkeley campus

McGARRIGLE I wanted to follow up on one thing from last time and then we ll move along to the East Bay Shoreline Park We had talked about Mike Heyman last time and you said you were familiar with him from the Free Speech Movement period and he was negotiating on behalf of the university I am wondering if you could elaborate a little bit on what that period was like and that interaction was like?

BATES Well actually that interaction a lot of it had to do with my friend Mal [Malcolm] Burnstein who was one of the activists around the issue actually had much more to do with Heyman I was more on the sidelines I knew him just casually from those days and I knew who he was He was also active in politics He was involved with the Berkeley Democratic Club He was sort of on the other side of a lot of issues but he was still a person who was reasonable Then he got to be appointed by one of the chancellors to have a job within the I think he may have been head of Academic Affairs I m sorry that I m not precise about that But anyway he had a position where he interacted as a staff person with legislators

So I knew him then and I knew him as a law professor and I knew him through Berkeley politics And so I knew him from that way rather than through the Free Speech Movement really

McGARRIGLE Okay

BATES And then he was just a very likable guy in terms of he was a very good politician He knew how to get along with people and he was an excellent speaker He also had some vision for where he wanted to take to campus I really subscribed and we really were *simpatico* on the idea of trying to make it a much more integrated campus and try to do that not only with the students but the faculty and the administration

Then he also embarked on this huge building program for the university where they built a series of laboratories and remodeled other buildings and did a lot of structural reworking around earthquakes earthquaking buildings So he had really a mentality of trying to do things and he raised all kinds of money I think he raised almost a billion private dollars over the years that he was there for various projects for the university

So the chancellor s job I mean it s a job that a lot of people really covet but boy it s really a [job that requires] fundraising public relations They re on the road all the time talking to alumni trying to raise money for various projects all the time Over the years the university relies less and less on state support and federal support and so they have to go out more and more to various alumni and friends of the university to help support the activities of the university So it s a tough job busy traveling job

Heyman did it for ten years and he was just exhausted Ten years was all he could do Maybe he could have done longer but he was really happy to leave Ten years was more than enough time to be chancellor

McGARRIGLE What s changed now that the university has less funding coming from the state level? It s not a fixed amount I guess

BATES At the Berkeley campus what it has meant is that research money that has come from the federal government has by and large been reduced Hopefully it will be increased again but by and large basic research has been reduced As a consequence they ve had to look for a lot of corporate support There ve been a lot of criticism about that but various businesses have come in and made contributions to the university Particularly Novartis which is a seed company and chemical company came to the College of Natural Resources and gave them a substantial amount of money

But then the question was the research that they were doing there were a lot of concerns that it would be directed towards things that Novartis was interested in And then question of patents Who owns the patent? So there is a lot of sticky stuff that s come up around corporate coming in and basically giving money and having strings attached to that money I mean it s just naturally the case If you re going to give money for research and you re a company that s in a particular field then you want to make sure that that research is relevant to what you re doing So there s been a lot of concern about that

Then of course the fees of going to school have also gone up substantially In the past years the legislatures had a sufficient amount of money in the budget to be able to cover increased costs So what we ve seen in the past has been that salaries for professors seemed to be lower than other comparable institutions of higher learning The clerical [staff] and the people who do the work at the university claim that they re way out of step with the private sector that they re really underpaid There were a lot of situations where they gave golden handshakes to try to get some of the older professors to leave so they could bring in younger professors at lower salary ranges It s been a struggle but they ve had to go more

and more towards private endowment private fundraising not only for buildings the structures which are constantly being done but also for just general subsidies getting people to establish chairs people giving $200 000 and $300 000 and having somebody be appointed to a position where they can teach a subject matter or a particular interest from the position of a chair

It s just the whole question of the concern that gets raised as less and less public support goes towards what is the mission of the school? Obviously it s to educate young people and to do research and to try to keep the economy strong in California And when the money s coming in to do that basic research with strings attached it means that it goes more and more towards private interest than public interest People get concerned that the research won t be basic applied research it won t be allowed to be freely shared with other individuals and other researchers but it becomes more proprietary and more patented and so it becomes less in the public interest and more in the private interest and more in the university interest

Recently the university has I don t know how many now but they used to have like about twelve people who did nothing but patents working with professors It gets complicated [when] a professor is teaching at the university and then also has a private business on the side and then the private business they develop something like a new widget or a new gene or splicing arrangement or some kind of thing in the whole biotech area The question is Where did they discover that? Did they discover it in the time they were at the university or did they discover it in their private time? And what is the university s role in the future with that new item that they discovered? So there s a lot of issues that get raised around that whole public private issue

But I think that the trends have been A lot of people are concerned about and I m one of those people concerned that more and more private directed support to the university is not in the best interest of the state in the long run

McGARRIGLE With the state economy doing so well how is it that the state funding has decreased for the university?

BATES It s actually gone up in the last few years Oh yes definitely has Definitely has

McGARRIGLE Maybe their projects are more expensive and that s why they require more funding

BATES Yes They re more expensive and for instance like a professor who you want to bring in who does biotech research Well if you really have a wonderful well known established professor they demand and receive the finest labs you can possibly imagine So it s not only do you have to pay them a relatively high salary but you also have to provide them with a first class opportunity for work space and really wonderful graduate students and other people to work with them So it s extremely competitive not only from the salary standpoint but also from a facility standpoint We used to argue that to do a lab I mean a lab costs maybe I m probably way off but at least $100 000 to outfit a building establish a laboratory for someone So it s not just the individual it s also the other stuff And then what goes with it is the allied services

Then also the university needs to have wonderful professors and they still Berkeley as of the year 2000 they claimed that it is the number one public university in the United States Of course I think that s one particular rating service but it s clearly one of the better public universities Now the private universities like Harvard and Yale and Stanford and others are better probably in terms of the quality of the education and they even rate higher So there s a

distinction between the private and public [universities] but [for a] public [school] it s considered to be an extremely good university

So in order to maintain itself they have to have obviously the professors that come in to teach the backbone They have to have really world class professors and that means that they can attract really excellent graduate students and undergraduate students because of the appeal of those professors

The backbone of the university is even though these professors do teach are really the teaching assistants who come in the graduate students who come who really carry a huge load of teaching responsibility for the undergraduates So it s sort of like you have to have the top notch people to attract the graduate students to be able to teach the undergraduates It s an expensive proposition to get the good people and then it s also expensive to operate the plants just to run the university itself the heating and the lighting just the whole operation is hugely expensive And the costs go up

In the eighties they didn t have money The university just really took a hit when the economy went down and now they re trying to play catch up to try to get back up to where they should be And I think it s true to say that right now professors are probably close if not at par with other universities or might even be a little ahead of other public universities The graduate students now are organizing to have their own graduate student teaching assistants association that can negotiate collective bargaining We ll have to see whether that really helps them or not

The people they say who are really at the bottom of the rung right now are the clerical are the janitorial you know the people who work in the day to day secretarial making the thing actually happen They claim that they re way

underpaid So there needs to be some efforts maybe to catch up in that area But other than that I think that they re pretty much considered to be recovered quite a bit from the hits that they took in the eighties

[End Tape 21 Side B]

[Begin Tape 22 Side A]

McGARRIGLE that you brought out from March of 1988 that discusses among other things It offers a report on the East Bay Shoreline Park and gives a little bit of an overview of the history Why don t we start there?

BATES Okay The history of the park Well what happened is after I got out of the army and I went to work for Coldwell Banker there was an issue that came up that was around at Berkeley Over at University Avenue there s a huge piece of property that was owned at that time by Santa Fe Railroad And they were proposing to build a shopping center there on this piece of property This was in the late sixties In about 1970 they surfaced with a plan which was to actually it was 71 to build this huge shopping center

At that time I was sort of engaged in real estate but really transitioning out of real estate in politics and was working in Ken Meade s campaign as a volunteer at that point before I had actually left to really work full time So this issue caught my fancy because it was And I was from Oakland worked in Oakland People in Oakland were worried that this new shopping center would ruin downtown Oakland that it would mean that people wouldn t shop in Oakland that they would stop on the freeway Interstate 80 and pull off at University and do all their shopping there and it would be the further demise of downtown Oakland

So I got interested in this issue in this land for the wrong reasons I got interested because I thought this was a bad idea for not just Berkeley but also for

Oakland That s how I first got introduced to the Shoreline Then as a consequence Loni Hancock ran for city council in 1971 and her platform was to stop this development from going forward Sure enough the voters elected Loni and other people and they turned down this project So I got involved in Berkeley politics in some ways for the reason to try to stop the development not because I was really enthralled necessarily with the candidates for office

But in any case this issue came along and then I just really fell in love with the opportunity and potential for doing something for a park along the shoreline It became an endeavor that really got started in the seventies and has now lasted for thirty years that s been trying to figure out a way to turn this land into a park of some sort What occurred was the ownership of the land was owned by Santa Fe Railroad and they ended up over the years merging with Southern Pacific and so it became a situation where Southern Pacific actually controlled almost all of the land Now this is the land that s all west of the freeway Interstate 80 and goes out into the bay It s all fill land It s all been brought in Most of the land was done with garbage that was dumped in the bay and then sealed and covered

So I became really interested in this issue particularly when I got elected to the state assembly in 76 In 77 I used to drive to Sacramento every morning and we would go down Ashby and then get on Interstate 80 and we came back by Ashby So every day we drove by this park every day we drove by the land And so every day I would just start not every day but would start scheming about what we could do to preserve this land and how we could make it into a park

Then I had the opportunity in early in the [tape disturbance] Brown administration was Peter Danegerman who was working for Jerry Brown and he had actually had the idea of proposing a state park also along the shoreline He

actually had done a feasibility study that showed that it would be possible And it was very helpful to have that feasibility study

So I get elected in 76 and we go to Sacramento and we drive by there all the time so we start trying to figure out what we could do to make this actually happen to turn it into a state park

When I had an opportunity to be on the Budget Committee and I was on the Parks Budget Committee and there were park bond monies that were approved by the voters in 1980 and in 1982 So when the money would come up for review for various projects I said I want to have money set aside for the East Bay Shoreline Park The legislators didn t know what it was except that it was a possible state park I would need to back up in 1980 they actually proposed it as a state park So it was like it got proposed early with the Brown administration and then it worked its way up through the bureaucracy

In 1980 there was actually it was considered more than just an idea but it was actually proposed as a possible park So in 82 when I was on the Budget Committee and I suggested that money be set aside for this park there was actually something you could point to as a possibility I was able to put aside money through the state budget process to dedicate it to the East Bay Shoreline Park That was money that got set aside and for the purpose of doing something for the park

In addition to that along the way I also was working with friends of mine who were involved with the Coastal Conservancy The Coastal Conservancy was established to protect land and buy land along the coast after the Coastal Commission was established by the voters in the state of California The legislature came up with the idea of having a conservancy which would be [funded

by] money that the legislature would give it and it would act on behalf of the public and would buy land and create access to the coast So it wouldn t just be an idea that you d have zoning and things of that nature but you actually have the opportunity to build piers and to build beaches would be restored and a whole range of things that could happen So the Conservancy got established

Then in the late seventies I had the idea of bringing the Conservancy into the bay It was restricted to do so because it was just along the coast and it didn t go into the bay itself So I tried to pass legislation I ran into one of the state senators a guy by the name of Dan Boatwright who represented Contra Costa County Contra Costa County the district consisted of the Chevron refinery and all of the refineries along Martinez Tosco and a variety of Shell and all these So he was very leery of my legislation He confused it with the Coastal Commission which he hated and which was approved by the voters and the legislature then adopted implementing language for the Coastal Commission

So he went crazy and he also didn t care for me too much because I was seen as an environmentalist and he didn t really like my politics We got along okay but it was never a great relationship that we had

He killed my bill because he thought the bill was for the Coastal Commission which he really disliked I went to my friend Tom Hannigan who was from Fairfield and I said Tom would you mind carrying this bill of mine that I just had defeated because I can t get it through Boatwright because he doesn t like me and he s all confused about the issue? [Laughter] So Hannigan carried the same piece of legislation it became the Hannigan Bates Bill It passed and allowed the Conservancy to come into the San Francisco Bay Area

McGARRIGLE Now with your name attached to it the second time how come Boatwright

BATES My name was secondary So it s like the first name is the one that people focus on

McGARRIGLE So he just kind of dropped it as a focal point?

BATES Yes he finally understood or whatever that it was different the Commission was different than the Conservancy

McGARRIGLE Do you know how he voted on that?

BATES He voted for it

McGARRIGLE Oh he did?

BATES Yes Yes he finally voted for it The conservancy also went to Tahoe A different conservancy was established at Tahoe A conservancy was established for the Santa Monica Mountains It s been a very wonderful tool to make things happen because it gives government the opportunity to work with private parties and be able to get money from foundations and state money and leverage to buy things and do stuff Then it allows them to really bring the land into use where a lot of times the commissions could only zone it but it doesn t become public unless you actually take an affirmative step to buy the land or to buy easements or to get easements And that s what the conservancy does So it s really been a wonderful tool So the conservancy came into the bay and so that was nice

Then we started looking at the complexity of this project The problem with the Shoreline Park was the fact that it was involved in all of these cities It was involved in Emeryville the park runs from Emeryville a touch of Oakland but not much but a touch of Oakland It would run all the way from the Bay Bridge all the way around to it s now in scope goes all the way to I would say the Richmond San Rafael Bridge at this point But at that time it really went through Richmond to around by what s called Battery Bay and around by the Costco market It goes all the way to the university s property in Richmond [the Richmond Field Station]

The point was that it was Oakland Emeryville Berkeley Albany and Richmond None of these places particularly liked each other I mean nobody wanted to be governed by the adjacent cities So we were always concerned that Albany would approve a big development and then it would impact on Berkeley Berkeley would get all the traffic Berkeley would get all of the associated things that go along with development without getting any of the revenue that would come in from the sales tax that would generated So it was that plus it was also involved with these not only the cities but of course then we had the Regional Park District we had the Air Pollution District because what had happened with the fill is that it was violating the air pollution standards The Water Control Board was also concerned about leakage into the bay EPA the Army Corps of Engineers all of these agencies are all trying to do something about this particular piece of property

Then what had occurred over the years was that that Santa Fe and Southern Pacific had merged In the merger what they were told is that they were examined by the Federal Trade Commission and they said You can t merge your railroad lines you have to operate separate railroad lines But it s okay for you to merge all of your real estate assets to form a new company So a new company was formed called [tape interruption] Catellus a firm called Catellus and they had all the real estate assets Actually the railroad lines the operations of the railroad lines were a money loser I mean they didn t make any money But in the real estate they had all of this real estate of course in California and other places When they laid the railroad line every other section became the railroad land They owned it so that was what they were given for building the railroad

So they owned all the land except for one other ownership and they bought that other person s ownership So suddenly we were in some ways it was a blessing We were dealing with one entity and that was this corporation that became known as Catellus They re listed in the New York Stock Exchange and they re a rather major company Well over the years Southern Pacific and Santa Fe prior to becoming Catellus had various plans for building on the shoreline and the particular piece of property when you go over University Avenue just to the north of that is called the Meadow It s a roughly ninety acre piece of property This has been the prime piece of real estate that they ve envisioned [using for] all kinds of different things The original shopping center was proposed there When the City of Berkeley turned down the shopping center Catellus at that time it was Southern Pacific sued them and it went all the way to the supreme court They claimed that the City of Berkeley had taken their property illegally and that they were being improperly denied the opportunity to build a shopping center It worked its way all the way to the supreme court and the supreme court upheld Berkeley s position that they could in fact turn down the shopping center

Later they d proposed to have a series of office buildings built there and it was going to be comparable to having three TransAmerica towers in San Francisco built on this site And you know some of it might have been positioning themselves to compromise down [Laughter] but everybody was aghast that they would propose that much square footage in office space So again they had to fight Catellus

It became obvious that even though we were accumulating money at the state budget that we were having difficulty we didn t have enough money to buy it And so every time there would be a budget act I would put aside and have it be set

aside in a fund for the East Bay Shoreline Park Then the Regional Park District came along and they said that they wanted to do a regional park bond to acquire land in the Alameda Contra Costa area And so I working with a park director by the name of Harlan Kessel said You ve got to put money in your bond for the East Bay Shoreline Park to make it become a reality He was able to convince his colleagues that they d put $15 million into the East Bay Shoreline Park

With the money that I d been getting through various bond acts and the money that he had through the $15 million which was approved by the voters we ended up we had about $40 million at one point that we had been able to accumulate for the purposes of buying the land But the problem we ran into was that at the outset we had Jerry Brown as the governor who was in favor of the park Then George Deukmejian came in his administration and they really even though they proposed a park they really weren t for it It was so complicated because of all these agencies and all these difficulties with the soil problems being with the soil not only allowing pollutants in the air but also into the water So it was like nobody wanted to touch it It was like it was a really difficult can of worms to deal with

Berkeley however was interested in what was the north waterfront area and that was a huge piece of property a seventy acre piece of property Berkeley was interested in proceeding with that and with or without the state park So I was working with the city and Loni became the mayor and we worked out arrangements to cap and seal I got money for them to dedicate some of the money we had to cap and seal the property They put in methane collectors all over the property to be able to capture the methane and to actually have it going to the air

You could see these big venting things down at So we were able to actually move ahead with that project

Then during Loni s administration the public works director sort of on her own with the city manager they just put in a trail around the outside of the park It just went in one day nobody really planned it Probably if we had planned it it would have been wider it would have been different I m pretty sure But they just put it in

Suddenly the public was down there in huge numbers It later became Cesar Chavez Park after the great labor leader Cesar Chavez It has hundreds and hundreds of thousands of people go down there Then they have a pier that goes out on the water where something like 500 000 people a year go to this pier It s like an unbelievable amount of public use So we were able to get this put together around the Cesar Chavez Park That was a major thing because it actually opened it up for the public and the public can actually come and see it

The problem was that we kept running into was that the Deukmejian administration really wasn t interested in pursuing it They really were not interested in going ahead with the park and when they did it was kind of detrimental

One of the things that they had in mind was that between the Bay Bridge and Emeryville there was a mudflat It was popular in the sixties and seventies People had all these signs and all these different kinds of displays that would be there It was entertaining and it was actually very colorful They d have all kinds of signs and they d change them but it was very damaging to the environment So the state parks said that they were going to buy this land which was basically submerged land from the Bay Bridge all the way around to Emeryville

Now this meant that it was probably I m not exactly sure but it was probably maybe ten acres of above ground which you could actually do something on The rest of it was all submerged underneath the bay And they were going to pay something like $7 million for this land When I heard about it I just went ballistic because it was just the worst possible thing that could happen because what it would do is it was paying this enormous amount of money per square foot for a parcel of land and establishing a land value for this land that would price it way out of [our] ability to acquire the other land

After that occurred I decided we had to do something and do something fairly quickly because the land along there was really not zoned and it had been created so it was new land it was put in the fill and in Berkeley it was an unzoned It was just land It was not and almost everything is required to be agricultural or industrial or some kind of use for the land

So we decided that we would push and establish and work with the citizens to establish an East Bay Shoreline Park We needed to have a citizens organization that would help us to establish the park So in Berkeley in 1986 we came up working with the Sierra Club with an idea for zoning the land in Berkeley that was owned by Catellus now to be a park land and to establish open space and to have an area that they could develop Then for the right to develop they had to dedicate the rest of the land to park

It was a measure that was put on the ballot by citizens efforts It was approved by the voters and established in Berkeley the fact that Catellus could develop only in a small section and the balance had to be put into park as mitigation for the development So Catellus sued again and it went all the way again to the supreme court and they said again that it was an illegal taking of their property Before

they d been denied the right now they re taking the land without paying them compensation for it And we won at the supreme court The supreme court said that we were correct that it wasn t a taking that cities had the right to determine the zoning and determine where the development should be

Then while this is working its way through the court we also went to the other cities We went to Albany and working with the Citizens for East Bay Shoreline Park which is a citizens group that was established around the early eighties we worked with that group we basically had membership in each of the cities And working with the membership of the Citizens for East Bay Shoreline we were able to get issues before the Albany City Council and the voters of Albany and they also down zoned theirs to make it so that it could not be developed without a vote of the people and it was put into park land Same thing happened in Emeryville where we went in and down zoned that again

So then Catellus suddenly what had occurred was they were right when they went to the supreme court What we had done is we d taken away all of the value of the property by making it a park And the courts had said it was okay So we were fortunate It ended up being a relatively small area of land that they could develop They told the state that they would sell the land for $100 million Well we didn t have $100 million I mean there was no way that we could get $100 million But they made that offer to the Deukmejian administration which thought that was a fair price

Then when we had Wilson coming in Wilson as a candidate for office working with One of the wonderful leaders of this group is a fellow by the name of Dwight Steele who s been extremely active and is one of the citizens that s been a wonderful wonderful ally and friend around the development of the park He has

been the president or the chair of the Citizens for East Bay Shoreline Park almost from the beginning and he s a lawyer who loves you know an environmentalist and worked really hard on this

Citizens for East Bay Shoreline meets once month and has met for once a month for probably twenty years

McGARRIGLE Wow

BATES And it continues to meet I now join them in the meetings They re just a great ally they helped me get the state money they had envisioned the park they d show up at public hearings I mean it s a wonderful wonderful group of citizens in how they re able to be involved with this project and make it a reality

So in any case what had happened is we were working with Dwight Steele and Sylvia McLaughlin who s another woman who is also very much involved in this Sylvia McLaughlin was one of the people who established the Save the Bay Committee and Bay Conservation and Development Commission and she s a wonderful Berkeley political person Start naming names it s hard not to mention there s probably fifteen people Stan Ahern and Norman LaForce There s just a whole range of dedicated citizens who really are interested in seeing this park happen They pressured the cities to help put these things on the ballot and then once they got on the ballot they campaigned for passage And then when Wilson was running as a candidate Dwight Steele knew Wilson and had Wilson come to the park and we got him to say that he was in favor of building the Shoreline Park

He got elected and that was very helpful because his administration was not quite as hostile I mean it couldn t have been much worse than the Deukmejian administration But his administration it was so complicated and so many things to

be done and all these different projects different problems in each of the cities and all of these agencies and the conservancy being involved

It occurred to me that what would be really helpful would be to have a piece of legislation that I would write that would envision bringing the whole park together that would fix the responsibility take it away from each of the cities to try to do their individual work The State of California was reluctant to get involved with it I mean it just was like too complicated and they were too bureaucratic [It would] fix the responsibility with one agency to be responsible for purchasing the park developing putting together the land acquisition and then being involved with planning the park and then working out with the state about how it would be maintained in the future with a joint park between what had turned out to be the East Bay Regional Park District and the state park making it a combined park between the two

So I went to the East Bay Regional Park District who I had worked with over the years and said I have this idea What about you know of you guys taking the lead? You have $15 million We bring all the state monies together and the Conservancy money that we ve had set aside and you be the lead agency and you be responsible for purchasing it They were reluctant putting it mildly But over the years I was a very strong supporter and friend of the park East Bay Regional Park District

At one time well this is a little bit after the fact but what I did was they finally consented to being the lead agency I put it in legislation which gave them all the responsibility gave them all the money It really defined what they could do and most importantly of all was the fact that the State of California would not condemn land Even though they had the power of eminent domain the state made

it a policy they would never condemn a piece of land They had to have a willing seller

Well Catellus was not a willing seller I mean they wanted to build They had this great asset they wanted to do something with it But the Regional Parks District has the power to condemn and they were willing to condemn That was the main thing that I was interested in doing was getting it to them and making sure that they were prepared to take steps to actually bring it about

McGARRIGLE And you were aware of that before you started to approach them?

BATES Oh yes

McGARRIGLE In terms of an alliance?

BATES Oh yes Definitely That s what we wanted we wanted to have the clout Because they wouldn t negotiate The State of California was basically on their side They were all for them developing they were all for them moving ahead with their plans And they were willing to pay all kinds of money You know they thought $100 million was fine

The legislation passed The governor signed the bill into law and it gave the responsibility to the Regional Parks District So over the years like the last six seven years eight years ten years now I guess they ve started in negotiating What happened was they had a wonderful park district negotiator a guy by the name of Bob Doyle

Catellus stocks started dropping and they weren t doing well on their properties They brought in a new general manager for Catellus and it just so happened that this general manager was somebody that I had known and had worked with a long time ago and he was involved with Democratic politics and stuff in the past Nelson Rising is his name He was a real estate developer from

southern California But I knew him from the John Tunney campaign and I knew him from the movie *The Candidate*

McGARRIGLE Oh right

BATES He was one of the producers of the movie *The Candidate* so I knew him And so I had conversations with him about how they re never going to get their project through they d be much better off to sell Their stock wasn t doing well They evidently needed some money so they decided they would actually get serious about selling the property What happened was they would get into negotiations with the park district and

[End Tape 22 Side A]

[Begin Tape 22 Side B]

BATES They got into serious negotiations with the park district about it and there was all these questions about mitigation The land was full of potentially toxic waste There had to be all these tests bores and all this other kind of stuff It took years to try to negotiate to figure out what the value of the land really was So what ended up happening was they got down to the end and were negotiating over the amount of money to actually buy the land for and President Clinton got involved in northern California with the question about purchasing some of the Pacific Lumber property the redwoods that would preserve the redwoods His administration had worked out an arrangement with then Governor Wilson that they would work out a deal where the State of California would put up so much money towards purchasing redwoods and the federal government would also put up a certain amount of money to purchase the redwoods so it would create a park and preserve the redwoods up in northern California

So the governor had to come up with a lot of money to be able to come up with the state s portion of the money And Bob Doyle is right on the ball He said Look it You know what s going to happen (This was around 95 96) He said Tom is term limited out and they have all this money that s sitting there that they ve set aside for the state for the purposes of the East Bay Shoreline Park and you can be sure that they re going to grab this money that s been set aside for the Shoreline Park and they re going to take it and they re going to use it to buy timber up in the redwoods up in northern California And so unless we make a deal right now we re going to lose this money We ll never have the money

So they actually agreed to sell the property for $27 million The Regional Park District bought the land We now own all the land from except what s owned by the Port of Oakland which we think they are going to lease it to us We own all the land from the Bay Bridge the Oakland Bay Bridge all the way around all the way along the shoreline all the way to Richmond to Point Isabel It s conceivable that some day it will go all the way to the Richmond San Rafael Bridge It was a wonderful acquisition of all this great land I don t have exact statistics but it s something like nine miles of shoreline along the bay It s a wonderful wonderful thing that took us all these years to get And we actually own it

Now we re in the process of planning exactly what the park s going to be and to get the park plan adopted by the State Parks Commission [adopted 12/04/03] It looks like it s going to be adopted well we know for a fact it s going to be part of the Bay Trail so it will have trails throughout And there will be biking and opportunities for people to jog and walk and see these really incredible vistas There s these huge pieces of land now that we have to determine exactly what the use will be A lot of people would like it to be passive recreational so it would be

maybe places for birds and other things so you could observe but it wouldn t be necessarily active recreation It wouldn t have baseball fields and things like that And so we ll have to see

The park district has now hired a planner and they got the money to set aside to do some of the final drawings and tests things that they need to do They need like $400 000 to sort of do the planning that s necessary and the drawings and things

The governor now fortunately Governor Gray Davis has appointed a person that I have a very close relationship with Rusty Areias as the head of the park s district He s all in favor of this They re expediting the planning We re hoping that we can use the balance of the money we have available now to do the planning We still have some money left over from what was set aside to do some of the work that s called for in the plan And we re hoping there will be some kind of an interpretive center built which will show what the bay was like over the years going way back in history What it was like when the Native Americans came here and how it s evolved and what s happened to the wetlands and what s happened with the restoration So it s been a wonderful wonderful project for me that continues until today and I m sure will for the next ten years or so will continue to be something that I ve been involved with

Literally hundreds of people got involved in this I mean I m giving this sort of a really cursory overview but there re all these things that have happened because citizens have really been involved and really actively engaged in trying to make it happen and have had the vision of what it could be Now it s gone from private land to public land now being planned for more for a park It s now open part of the trails are open now Not only the Cesar Chavez but other parts You could

drive along the freeway you could see where there re bikeways that have been put in and areas have been set aside through Caltrans When they expanded the Interstate 80 we negotiated to have put in various access roads along the side for bikes and things

The City of Berkeley is going to be putting in an overramp that will go over the freeway from Berkeley so you can ride bikes over a separate bridge to the park And you know Dwight Steele and I always say we hope the park will be in our lifetime He s eighty six years old We have to hurry the time s running out [Dwight Steele died in 2002]

When I was involved with my lawsuit around term limits this was one of the pieces of evidence that we entered in was that the fact that I was on the scene for twenty years and was able to use my legislative office initiate things that were positive for the park do legislation browbeat the administrators bring in the Conservancy into the Bay Area which has been very helpful in planning this work on the budget forcing people to do certain things that they didn t want to do because I had legislative clout cajoling people talking people into things over this whole span of time

Having a term limited legislator who would be for a relatively short period of time they would never have had the opportunity to outlast the Deukmejian administration to have the Wilson administration be favorable and then get to the Davis administration I never made it to the Davis administration but you know but that whole span of time being in a position of leadership to do it wouldn t have been possible had it not been for my ability to stay in office So it was clearly one of the jewels of my political life was this park

McGARRIGLE It warrants an oral history unto itself a history of the park Of interviewing people like your friend Dwight who have been involved from the very beginning

BATES Exactly

McGARRIGLE And that s a project in itself

BATES Yes and you know now I m sure they re going to name parts of it for all of us You know we re all have our I m sure Dwight is just a wonderful person It wouldn t have happened without Dwight and Sylvia and Stan Ahern has been the staff person for the Citizens for East Bay Shoreline Park And there s a picture of the key people in 1988 and they re still active today those people in that photograph Yes

McGARRIGLE That s a wonderful story And we ll end there for today

BATES Okay

[End Tape 22 Side B]

[End of Session]

[Session 13 November 14 2000]

[Begin Tape 23 Side A]

McGARRIGLE I want to ask you following up on a lot of our discussion last time about East Bay Shoreline Park and anticipating our discussion on the Center for Ecoliteracy if you could discuss a little bit to what you attribute your interest and commitment to the environment

BATES I think it really stems from when I was growing up as a young person living in La Habra Heights We lived in just such wonderful beautiful country Our home was such that we had to walk approximately a mile to get to the bus and walk back the same way We used to walk through these wonderful orange tree groves and lemon groves and we had avocados and various trees that we planted particularly orange trees

We had a beautiful view of the Los Angeles Basin from our home And over time it just kept getting worse and worse the view We used to be able to see Catalina Island this is in the fifties We used to be able to see it every day Then we d see it like every other day And then once a week Then you know you were lucky to see it once a month

There were just these beautiful rolling hills that were back behind our house where I used to ride my horse and go with my brother There was so much land open land that we could ride for probably two to three days at least two and probably three days without ever seeing a house or another person or a car I think

that was really just the love of being out there alone and seeing this gorgeous land and the beautiful hills And then seeing the view of Los Angeles and just watching that just sort of deteriorate before my eyes

Then when I went to Cal and then went to Germany in the army I just really loved seeing beautiful places the Alps and various gorgeous places in Italy and canyons Then I had an opportunity to travel one time with my family where we went to the various camping trips We really loved to go outdoors and These were not backpacking trips but car camping where we had tents and set up tents

McGARRIGLE Would it be in northern California?

BATES Yes in California northern California We went to Yellowstone and we went to the Grand Tetons and just really I think that was really the major factor in my and then when I got to the board of supervisors I found that I really had a chance to do something about it I also had been in the real estate development business too and knew the conflicting issues about preserving for future generations versus immediate use and population problems and housing problems were always interesting for me I sort of came down on the side of having been on the board of supervisors that I was really more interested in preserving what I could of land particularly agricultural and other scenic land that would be available for future generations and then trying to do boundaries for the growth and trying to get growth more in the cities and more around public transportation issues and more environmentally sound so that you wouldn t have the automobile be so central in the way of life

Also along the line of my work I just came in contact with people who were strong environmentalists and that influenced me too David Brower was a big influence later in my life We went to Russia and had a chance to go to Lake Baikal

with David Brower Lake Baikal has 20 percent of all the fresh water on the planet And it s located in this one lake It s a huge huge lake in Russia And trying to stop the Russian pulp mill from dumping waste into the rivers that flowed into the lake That was a great inspiration for me

Then I just was fortunate to be in a district that was interested in environmental issues It was like when I got into office in the state legislature my feeling was that there were two major issues that the district was concerned about that cut across all of the party lines Those were education that they re very strongly in favor of providing educational opportunities for people and the environment So those were two issues that I thought that were unifying I spent a lot of time and effort in those areas

Then as luck would have it I was assigned to the Natural Resources Committee in the state legislature and served there for nineteen of the twenty years I was in office and had a chance to offer all kinds of legislation and vote on various issues It really sort of solidified my belief system Everything from issues around nuclear power about how they were bad and we didn t need it and we could get away from those sources to solar And making sure that we preserved as much as we could the coastline and provided access for people to the coast Then I got involved with the Sinkyone Mountains which were in northern California above Fort Bragg and helping to preserve those redwood forests that later became a state park

And then there s the natural beauty of living in the San Francisco Bay region When I came here to school at Cal I just fell in love with this wonderful area and tried to do whatever I could to make it a better place When I first came here in the fifties Emeryville was sort of a paint manufacturing capital of the north It used to

have this incredible odor that would come from the factories and so that was I realized that if you made changes and helped It didn t have to be saving redwood trees it could also be the environment could be as much as being in the city and making a livable arrangement for people to live in cities without having to have this kind of odor and toxic waste and chemicals around So the issue just propelled me in this direction

When I was on the board of supervisors as I mentioned to you I had a chance to preserve the open space and the agricultural land by coming up with a hundred acre minimum for a lot They couldn t divide a lot in agriculture below a hundred acres it had to be a minimum of a hundred acres in agricultural

When I was there I was appointed to the Air Pollution Control Board as the representative of Alameda County to the Bay Area Air Pollution Control District I got into it right away You know we were involved with it became obvious that what was happening was that major industry and primarily the oil industry and petrochemical industry was routinely given fines by the air board and the fines were just like a ticket to pollute they didn t make any difference they were so small They just ignored it and continued in their practices and pay it off It was just like a cost of doing business

So I got really into that issue and tried to fire the executive director We had hearings and the enforcement got toughened up It was like it s a classic example When you push really hard you may not win what you re attempting to do but you know the victory is in the settlement that gets resolved It moves the body politic Because of my trying to fire the executive director the air district started tightening up all their rules they start raising the fines making enforcement a lot more stringent And then the enforcement became better

McGARRIGLE And this is in the seventies

BATES This is in 72 This is actually around 74 75 It was a major push to try to do that to try to clean up the air board And we've been very fortunate that over time the air in the Bay Area has not deteriorated In fact it was taken off the EPA list of unattainable areas a few years ago I don't know if it's still in a pristine position But it's

The point being we have all these refineries all this industry and we could do something about that And so being on that board I really pushed hard to get better enforcement more fines and to be able to actually bring these people into compliance rather than just allow them to get a ticket to pollute The guy's name was Judd Calahan who was the executive director for a long time He retired shortly after I left the board [Laughter] We couldn't fire him but he retired

The person who took over was his deputy who did a good job He was in for a long time and it was a much better place So I felt good about that

It was a lot of fights and a lot of opportunities to be involved in the environment I was at the right place at the right time and I did have this love of nature and trying to make things better than I found them So that was sort of it

McGARRIGLE Have you attended any memorial services for David Brower? Has there been anything local?

BATES There hasn't been anything that I'm aware off but I think it's still pending at this time He was just an incredible person I was very fortunate to come into contact with so many incredible people and he certainly was one of them

Ed Roberts from the disabled movement was also a very close friend much closer than David Brower David Brower was somebody I sort of admired and respected and had an opportunity to travel with and attended numerous events and

activities that David Brower was involved with But I didn t really know him all that well I think I ve been to his home twice But he certainly supported our politics He endorsed candidates from the left wing BCA Here was this guy who s a head of the Friends of the Earth [Laughter] and head of the Earth Island Institute which were these organizations that seemed to be somewhat and of course the Sierra Club somewhat mainstream And that he was supporting what should be considered a radical fringe Which really wasn t so much fringe but it was radical because they wanted major changes right away

But he was right there I would call him and he would be for all the so called radical candidates He supported candidates who were for rent control He was like an amazing person He really was But I would say that he was one of the people who certainly I admired and respected

The other person I admired and respected in this area was actually Phil Burton Phil Burton was a person who smoked probably three packs of cigarettes everyday who drank heavily according to his biographers I taught a course at Cal and we studied Phil Burton So I did a lot of reading on him He supposedly drank a fifth of vodka stolski or whatever that s [Stolichnaya] I think I m mispronouncing it But he drank at least one bottle a day and sometimes two bottles a day of vodka And he never got any exercise He lived a block away from the Capitol and he drove his car every day back and forth he never walked There was a time when he was with Ansel Adams and Ansel Adams would stop the car and get out so that Phil Burton would get out of the car and at least have some exercise and he could smoke outside the car and see the view

He was a terribly obnoxious personal person I mean he was you know when he would come into restaurants it would be not uncommon for him to be eating

and see somebody s food on a table adjacent to him and somebody he didn t even know and reach over and take some of their food and start eating it A total stranger s food And he would blow up at people He had a quick temper He would come within maybe three or four inches from the person s face and would be spitting all over them there s just saliva that s coming out of his mouth It was like you d taken a shower or something A totally obnoxious person

But he was a strong environmentalist There was a joke saying that he just never ever enjoyed any of this Never went on a walk never took a walk in any things he developed or did anything that he had a hand in creating

What he did was of course he tried to become the speaker of the Congress He worked his way up and he lost a very close election He was on the rung to be whip which would have put him in I guess it was the majority leader which would have made him second in line to be the speaker and he would have had to just wait until the speaker left office or whatever passed on

He of course died of a heart attack at about age fifty six But he then when he lost he looked at what power he had He was a head of the committee on parks and so he put together legislation that had passed the Congress and Jimmy Carter signed into law which increased the number of parks and natural monuments and preserves He doubled whatever had been in place up to that time throughout history It was just remarkable It was the hugest park bill that had ever passed And he engineered and knew the legislative arena to such a great extent that he was able to put it through the House of Representatives and the Senate Then when it got to President Carter the amount of money that was to be spent was totally underestimated It was like I don t know something like $5 billion and it cost like roughly $50 billion or something It was just

But Carter signed it into law and created the wonderful national seashore we have here in the Bay Area created opportunities in northern California to preserve the timber He worked out a switch which later came in another legislation where land around Las Vegas that the federal government owned would be sold and with the proceeds they would buy land in Tahoe to preserve Lake Tahoe He was just like a giant in terms of making changes for the environment and fighting for the environment because he I don t know what caused him to get that ethic but he certainly had it and he had the opportunities by being on the committee to formulate it

To me the most amazing thing of all was when he passed this legislation because he knew everybody s district He had like a photographic memory And he could he knew what people wanted and didn t want So he would go to one congressman as an example say If you vote for this bill you re going to get this wonderful park in your district It s going to preserve this wonderful land that you want to see happen And so I want you to vote for this bill Then he would go to somebody else who didn t want to have a park bill they wanted to have the land developed They wanted the land that was in competition for park land and for development land He would go to that person and say If you vote for this bill I m not going to put a park in your district So he [Laughter] had to know who wanted a park and didn t want one

What was really incredible I don t know how he did this I would love to know how he did this But he according to John Jacobs in his book *The Rage for Justice* which is about Phil Burton he got the bill and it passed the House of Representatives and then it went to the Senate and went directly to the Senate floor which it did in fact pass all the committees And then he would make

changes He would talk to the senators find out what they wanted and didn t want and then he would send it back to the House amend the bill to accommodate what those senators wanted and then he would send it back to the Senate again and then negotiate some more and then back to the House He went five times back and forth between the two houses before he worked out all of the things that they needed to have worked out and then finally passed

He was like a legislative genius to be able to figure out how to do that not having to go to committee but having to go by I guess unanimous consent back and forth between these two houses to work out all the differences on the bill So he it was a great legislative feat that he was able to accomplish

McGARRIGLE Tell me about meeting Phil Burton

BATES I met Phil Burton I had only two occasions that I met him The first one was when Ken Meade was running for the assembly in 1970 when he was in his winning campaign and I was the campaign manager I met Phil Burton at the Hotel Leamington in Oakland It s an old hotel that was on Franklin Street in Oakland He was in the bar It was like ten o clock at night something like that It was right before the election The election was on Tuesday and I met him on Thursday evening before the election And I m sorry let me back up Yes I would say that s right Thursday and Friday roughly I may be off

But what happened was he was there and he had been drinking heavily and his wife Sala Burton who took his place also had been drinking The two of them were pretty drunk He was talking to me and he said basically he wanted to help Ken the kid Ken Meade So he said he wanted me to meet him the next day Friday at the post office in San Francisco I said sure So we arranged a time it s like eleven o clock in the morning

At eleven o clock in the morning I go over to the San Francisco Rincon Station Post Office Now the postmaster generals are appointed by the president and you know these are political plum jobs And Phil Burton had been influential in getting a Chinese American [Lim Poon Lee] appointed to be the postmaster general in San Francisco I meet Phil Burton and he walks up to me literally hands me a bag a brown bag full of I open it up and it s full of stamps He gave it to me and what he said was This is money I opened it and it was stamps And I thought this is after he left this is crazy Then it dawned on me that I don t know how he got it [Laughter] I don t know how he got those stamps I don t think I ever want to know And maybe you know he got them legitimately but it seemed a little strange to me Then I figured it out because we had a postal account

So I took the stamps and I put it in our postal account and so it increased the postal account by I don t know I think it was probably $2 000 in stamps So our account went up $2 000

After the election we had expenses and all kinds of problems I mean we had expenses I think I told you about this but when the election was over with Ken Meade s election in 1970 I personally had been on the hook for all of the printing and all this stuff so the printers are looking to me to pay them like $12 000 I didn t have that money I would have to sell my house I mean it would have been terrible But they were looking to me to pay those bills I realized money was an [Laughter] important commodity to be able to pay some of these debts

Anyway what I did was I went to the post office and said we d like to withdraw our money from our account So they then gave me a check for $2 300 or whatever it was and then I cashed the check and we in fact had money So it was basically the stamps We couldn t use the stamps because the election was

already over I mean everything we had was already mailed At that point it was going out on bulk permit so it was cheaper than the stamps themselves So anyway we were able to convert the stamps to money

So those were my two experiences with Phil Burton once when he was drunk oh I m sorry! I should recount myself I had a third occasion I forgot about this The third occasion was more than one occasion It was when he did the reapportionment in 1980 when he came in and did the reapportionment He was up in Sacramento and roaming around the halls I didn t have much contact with him The day we voted for his reapportionment plan he came up to me and said to me that this was the most radical plan I would ever vote for this is the most radical bill I would ever vote for And it turned out he was right He reapportioned the state created six new Democratic congressional seats Democrats had control of the legislature for ten years these reapportioned safe seats which allowed people to stay in office which later caused a reaction which was term limits to get rid of Willie Brown because up until the 1980s people never stayed in the assembly or state senate they stayed for a short period of time and moved on to another job

But once Phil Burton gave everybody safe seats and the way he did that was without going into a lot of detail was that he drew lines in his reapportionment plan that distributed the Democrats in a lot of districts rather than keeping them together The Republicans were rightly mad and put a ballot measure up to throw out Burton s reapportionment plan The voters approved having the plan thrown out So the plan was thrown out Then Jerry Brown is a lame duck governor at this point this is January 82 He s a lame duck governor with one month to go

And Phil Burton comes in Everybody s now elected to his reapportioned seats He just tinkers around the edges changes them a little bit In fact makes it better

for Democrats And because everybody s already in office they basically go for these changes Jerry Brown signs it into law as he s leaving he s a lame duck governor And so it solidifies everything that the voters had thrown out The plan that the Republicans got was worse from the standpoint of fairness at getting Republicans elected than was the plan that they had thrown out by just drawing a little tinkering around the edges

Now as we head into reapportionment this year in 2000 we ll be reapportioned for the next election The Democrats control the governorship and both houses by a large majority and people who were with Phil Burton in those days a fellow named Bill Cavala from Oakland who was a long political ally and friend of mine would be right at the forefront of this reapportionment plan A year ago he said that he thought if everything held that he would be able to come up with at least six more seats for congressional Democrats out of fifty four seats that they have So it d be [Laughter] interesting to see how what happens

But Phil Burton s legacy lives on as his allies and proteges [Laughter] move forward into actually the levers of power So we ll see what happens

He was an incredible person He did the reapportionment obviously he was a great giant in the environment and he was also very much involved with poor people and had a great a sympathy for poor people He chaired the assembly s Human Services Committee which I chaired One of the biggest things he did was he put in place legislation which was called Aid to Families with Dependent Children He put in an automatic increase for women and children the disabled the blind and people who are physically disabled to get an automatic increase a cost of living increase That meant that they were moved up the economic ladder

Then [Governor George] Deukmejian came in He fought like crazy to knock out the automatic cost of living So Burton s legacy lasted for a long time but it did get finally cut back and the automatic increases got taken back But his efforts were worth hundreds of millions of dollars for poor people increase in living expenses and opportunities

He ended up being his own worse enemy His problems of his physical you know insulting and abusing people came home to roost He lost the vote on the leadership by one vote And [Speaker of the House Thomas] Tip O Neill he insulted Tip O'Neill Tip O Neill did not vote for him I mean there re probably ten or twenty people who would have voted for him had it not been for his style

McGARRIGLE Tell me more about his style

BATES His style was such that he thought that liberals were crazy that they approached things by being nice and the way to get things done was to be a son of a bitch and to be in the face kind of politics So what his style was when he would negotiate with people like when he was trying to save the redwoods First of all he knew everything about the opposition The companies that owned the land he knew all about their holdings he knew what their yields were the timber yields he knew the profitability he knew the stockholders he knew the president he knew what they had done last year he knew Just like when he approached reapportionment he knew all about everybody s district He knew probably more than most of the people in the office knew about their own districts So when he d go in he d know everything cold

So when he negotiated he would always he would go in and say This is what I want you to do I want you to sell this land and we ll preserve this land Here is the plan This is the land I want to buy And they d say Well you know

that s terrible We re not going to do that That screws us Then he d say Well if you don t like that plan then he would pull out a plan that was three times worse and said Then you d get this plan [Laughter] He had this theory If you got them by the balls right they re going to pay attention So that was what he did

Same thing with reapportionment He d go to these people and say This is your district And the guy says I don t want that My mother in law lives over here and I want to draw the lines over here He says Well if you don t like this one then you get this one The other one that they would get would like send shrieks terror in their heart

McGARRIGLE [Laughter]

BATES So that s how he did it It was not being nice but by being in their face and knowing more about it than they did He d say You can win this district And then he would tell them why they could win the district and where they would get the votes This group I ve added to you is basically going to mean this many more Democrats They voted this way on the last five elections You know these are your people These other people are marginally better

Because people get really crazy about their district Like I get my gasoline down at that gas station How can it not be in my district? Even though you know people don t vote for them They have this My club I mean there s just a million different reasons why people They re comfortable with what they have Any time you change it they think Oh no there s a change I could win in this other district I don t know about this But Phil Burton always managed them to see the light When they would see and terror would strike in their eyes [Laughter] when they would see what they were going to get

McGARRIGLE It s the brilliance of it that makes me laugh It s the unusualness of it

BATES Yes I don t know anybody that s ever done that in my legislative career that s ever come close to that He was so effective but he also made a lot of enemies The problem with politics is your friends go and come but your enemies always remain there Jesse Unruh who s another person we studied in my class who I like a lot too used to say that if I had slain all my enemies yesterday I d have no friends today [Laughter]

McGARRIGLE Very pragmatic

[End Tape 23 Side A]

[Begin Tape 23 Side B]

McGARRIGLE I gather Phil Burton never considered moderating his behavior

BATES He didn t

McGARRIGLE to further his goals?

BATES He really didn t He believed in what he was doing So smart too I mean he was brilliant He never really tried to get publicity for himself In fact he didn t even believe in it He thought it was bad because if you got a lot of publicity then people would know what you re doing and then they would be more conscious of what activities you were involved with

He did this black lung Another thing on him and then maybe we should change subjects] But when he was in the Congress he got interested in he was always for the down and out the people who got the raw end of the deal the poor people the disenfranchised the disabled Sort of like the same things that I was involved with the same kind of grouping of people He was a giant I mean every time I used to think I did something good I would think about [Laughter] Phil Burton and realize that it was nothing in comparison to what he had accomplished But he didn t believe in press

What happened was he was challenged by Republicans They figured he had made so many enemies that he could be beaten Phil Burton realized that he had a safe district San Francisco so he spent a lot of time running around raising money trying to get people elected who would support him for his leadership ambitions He paid attention to San Francisco but he basically wasn t on top of it People hadn t seen him for a long time he didn t come around He sort of took it to realize that he had a good seat and as a consequence did not pay as close attention as he probably should have

So the Republicans challenged with Milton Marks who was state senator who was a liberal Republican who later in his career changed to Democrat But he was a liberal Republican he d been a judge he d been a member of the assembly he was now in the state senate he defeated Democrats obviously to get those positions They used to have a saying that any time there were three people gathered in San Francisco Milton Marks would be there to present one of them with a resolution [Laughter] He was everywhere He was one of these people that went to every bar mitzvah every wedding every funeral I mean every event he was there Omnipresent Of course Sacramento allows you to do that You could drive home every night and do these things That was his whole life And so he ran against Phil Burton

People were really concerned because Phil Burton was an obnoxious son of a bitch and he hadn t been around you know and he figured at that point he said he realized that he wasn t elected for life he didn t have life tenure in this position Turned out he did because he died in office But he ran a real campaign that just smashed Milton Marks It was like everybody was concerned then Burton won right around 60 40 It was just like it wasn t even close People really appreciated

what he d done He d gotten all the drive around San Francisco the Presidio all of this stuff towards Baker [Beach] all of the land that s in Marin [County] that goes all the land that he was able to get natural preserve [the Golden Gate National Recreational Area] This is the guy that probably never went out of the house except to smoke or if somebody threw him out because [of the smoking law] Never went for a walk in any of the national forests unless he was forced to do so [Laughter] Didn t get any exercise The only exercise was walking to the bar practically

He d drink in his office As soon as five o clock would come he d break out his own bottle in his own office Highly interesting person [Laughter] A lot of the people who are driven like that their whole life and his wife s whole life Sala was in politics All he did twenty four hours a day

McGARRIGLE Oh that s fine

BATES I have one last story I m sorry This is my last story Cavala the guy that I was telling you about who will play a big hand unless something happens which I can t imagine in the reapportionment coming up in 2001 Cavala was working on reapportionment with Phil Burton This is in 81 before the voters threw out the plan So he was working on the plan and finalizing the plan and there was a dispute about land up in northern California up on the coast and where the line should be And so they were trying to wind it up I guess this was after it had passed The voters had thrown out the plan and it was before the next plan was adopted

Anyway Cavala was working on the plan It was the second plan But anyway Christmas Day Burton calls Cavala at seven in the morning Christmas morning and they talk and Cavala says I m not giving in I m just not going to give in

You know it s Christmas People calling on Christmas morning and they say Oh Phil whatever you want You know it s Christmas [Laughter] They argued for four hours so eight nine ten eleven o clock They re on this for four hours on just this one little line that he wanted to draw and it was matter of a few precincts Cavala said he just wasn t going to give in So for four hours they argued on Christmas morning

McGARRIGLE What was Cavala s role officially at that point?

BATES What happened was Burton was responsible for the congressional lines and [so he thought that] he was selected by the congressional delegation the Democratic delegation to negotiate the lines for them for the Congress Of course the lines were then approved by the state legislature Then there were other reapportionments there was the state senate reapportionment state assembly reapportionment the board of equalization And Burton was arguing about a state assembly see because he was into all of them I mean cared about everybody You know he s not just interested in his own national interests but he s also interested in who gets elected you know the lines up in northern California and in an obscure place like Redding or something

McGARRIGLE And Cavala held fast

BATES Just held fast He just said That son of a gun probably calling me on Christmas morning just because he knows that I ll say yes because I m going to have Christmas with my family you know just to get him off the phone So he figured he wouldn t do it

McGARRIGLE Strategy?

BATES He just wouldn t do it [Laughter] He wouldn t go for that

So those are some of my Burton stories But he was a giant no doubt about it He really was Should we switch to Vista College?

McGARRIGLE Yes And in between I want to ask you about since we re going around here a little bit about Ed Roberts You were neighbors I believe?

BATES Well we re standing now in my home on Ward Street 2225 Ward Ed Roberts lived at 2223 at the house right next door And Loni Hancock of course lived at 2225 Ward And so Ed when he came to Berkeley as a childhood polio and he was admitted to Cal I think they forced their admission to Cal that he had good grades and there was no reason other than he was disabled

They put him up in Cowell Hospital the hospital that was on the campus at that time He had to go to school from there he would go into his iron lung in the evenings at the hospital and then he would go in his motorized wheelchair to classes I met him really in 1972 when he had I got elected to the board of supervisors and they had just started he and three or four other people Judy Heumann I m sorry Judy Heumann wasn t involved she came later Phil Draper and other people started the Center for Independent Living in Berkeley on Telegraph Avenue

So he came to the board of supervisors and said that they wanted to have the board of supervisors give them a revenue sharing grant to help them get established They got two fundings they got one from the City of Berkeley which Loni was very much involved with getting the funding for them and then the county Then they were able to get other grants So we became friends at that time when he came to the county

He was an extremely incredible person I mean he was smart radical He believed that the disabled movement would connect up with the aging movement

That everybody at some point in their life was going to be disabled One of the big first things they had that they were interested in was renaming their disability At that time in 1972 they used to be called handicapped They despised that term because it connoted begging and handing your cap to someone They wanted to be called disabled not handicapped You know it was like re framing the issue

The Center for Independent Living was a radical organization and the board of directors was made up of more than half consumers of the service They were interested in advocacy They got involved right away with saying curb cuts needed to happen so that they could move their wheelchairs around the streets Berkeley I believe was the first city in the country to establish curb cuts And it was like the idea and the arguments was totally relevant They said Look it this is not only for us this is also for elderly people who can t step up and this is for mothers with babies in strollers [Laughter]

McGARRIGLE Yes

BATES Then they fought for access to the buses and BART you know to get the buses to be able to take disabled people employment rights housing rights the idea of building new homes that are accessible particularly multiple family homes that would be accessible at the ground floor at least initially for disabled people so you wouldn t have to spend money for elevators

So I got to know them at the board of supervisors Then when I went to Sacramento I got involved with hiring a staff person whose name was at that time was Margaret Shandera Maggie Shandera And just a quick note she today is Cavala s assistant in Sacramento She s had an incredible interesting life running campaigns and working with the teachers unions What had happened is Maggie was somebody I knew from Hayward and she was with Senator Cranston Alan

Cranston in Washington D C and wanted to come back to California So I hired her to be one of my administrative assistants in Sacramento as one of my aides When she was in Washington D C had worked with Ed Roberts and other people around the issues related to the disabled on Cranston s staff So she brought an incredible interest in the subject with her

When I got elected to the state legislature Jerry Brown had appointed Ed Roberts to be the director of rehabilitation at the state level First time a disabled person had ever been appointed to that kind of a position for sure in the country So when Ed was there when I got elected in 1976 we talked about me doing a bill to take the model of the Center for Independent Living and extend it throughout the state So I put forward legislation which Ed he was working with the Brown administration he helped us write the bill and he was one of the founders of the center and he appeared on behalf of the bill as a witness

But it was sort of interesting because I don t believe they had a formal position in support of the bill from the administration at that point But the bill went in and it was to establish twelve centers in the state and to do several things to give them funding but also to incorporate the concept that more than half the board of directors of each of the centers had to be disabled people

The bill went through the legislature very easily and a lot of it had to do with the fact that Ed was the key witness and also the fact that the Republicans at that time had this notion about people that I think we discussed before about deserving and undeserving These were the deserving people because this had happened to them some natural or act of God or something had occurred to them and so they no fault of their own were in this position Although some of them could have been drunk and driving a car or something you know had an accident and find

themselves in a wheelchair But anyway in their eyes they were deserving It was just incredibly compelling legislation I mean the testimony was put forward at the various hearings and things So the bill sailed through

The only question was it passed right around the time Prop 13 had passed was whether it would be funded or not as fully as we d hoped And it got funded to the legislation not only approved and authorized it but also funded it So I had two major bills funded after Prop 13 this one A B 204 and the other bill the one that establishes a Community Residential Treatment System for disabled Got approved and funded after 13

But then Ed and I became really close allies every time his budget was in trouble He was a visionary and he could see things worldwide He was going to stamp out polio I mean he made major steps in that direction He really did You know and his mother Zona we knew Zona we used to get together with her He got married and he had a child which was kind of amazing And I used to go over to his house to have dinner and see him and his wife He d be in the iron lung And he was you know we d talk to him while he was in a full body iron lung Our politics were the same in terms of issues and fights Supported him on the 504 regulations federal disabled standards

The 504 regulations was a federal law that provided access to various federal and state buildings which the disabled community wanted to see adopted which they ultimately won with a sit in in San Francisco We just were allies I would do whatever they needed for me to do to help them and they were strong supporters of mine

The Center for Independent Living bill expanded and we got more and more centers on line I think at one point there were twenty four centers I don t know

how many there are today probably thirty or forty And then they became federal law which I didn t have too much to do with but it was the same idea of setting up the centers for independent living and providing funding for them Judy Heumann came on the scene a little after it sort of got started about four or five years after CIL was started in Berkeley Later Ed and Judy started what was called the World Institute on Disability with some people in Oakland and it still operates They re now doing disability work all over the world trying to help people have access In a lot of countries if you have a disabled child they re almost closeted away It s like a disgrace And so they have been trying to change all that so disabled people can be productive members of society and can hold jobs and can do productive work

So I think he equates to Cesar Chavez as a real leader in his field As Chavez was for the labor movement of the Hispanic and Mexican labor movement Ed Roberts clearly is for disabled I think they actually hopefully learn about Ed his life fights and struggles that he went through He was known of course because he was the leader the crusader the person who would go all over the world and tell people if they organize they can win And this is how you can do it this is what we did and there s no reason to be locked away and locked up and you just need to get out of these shackles and see a person for their value and what type of person they are their intelligence and what they can bring to a situation in life He was a great person no doubt about it

McGARRIGLE Well thank you for touching on that

BATES Yes

McGARRIGLE We ll go

Bates Vista I ve got to tell you about Vista

McGARRIGLE Yes let s talk about Vista

BATES Vista The community colleges This is another long story The community colleges in this area really got started when the leaders went to the voters and asked the voters to build four community college campuses And the voters approved that They said sure they wanted to build four campuses It was the vision there would be one in north county which was going to serve Berkeley Albany and Emeryville one in Oakland one in Alameda and also actually two in Oakland because it was a large enough district

So they had one that was initially formed on Martin Luther King which was a high school and it later became a community college campus Merritt It was called the Merritt campus [Grove Street Campus] No I m sorry It wasn t [Laughter] called the Merritt Campus But anyway I ll think of the name of it but they built one in Alameda they built one Laney in downtown Oakland they built Merritt College up on a hill in Oakland and they built the Feather River College up in Plumas County

McGARRIGLE And this is a statewide effort? I mean the coordinating body is ?

BATES Oh I m sorry I m sorry I m going too fast

When the community colleges came into law They used to be junior colleges and then they became community colleges But they had a district Peralta District The Peralta District included Albany Berkeley Emeryville Piedmont Oakland Alameda in a district and also Plumas County which was strange that they incorporated it But the idea was they d have this country college and so people could go up there and they would serve Plumas County [also] I don t know the origins for why and how they decided that this would be a good idea but

anyway and then the voters in this area approved funding bonding to build these campuses

They used to have this one in the flatlands and this is where Huey Newton and the Black Panthers were And they bought the move from this campus excuse me from Martin Luther King Street and it was called Grove Street That was called the Grove Street Campus is what it was called They wanted to move that from the flats which kind of served Berkeley because it was right next to Berkeley And North Oakland and Albany you could make a case that the campus served those communities It was a radical time So they closed that campus to great consternation of everybody and built Merritt campus up in the Oakland hills up Redwood Road And it s never been a successful campus

So this is what happened they built one in Feather River up in Plumas County one in the Oakland hills one in downtown Oakland it turned out to be a very good location near BART Laney and then one in Alameda The one in Alameda is one mile from the one at Laney It s very close but of course it s an island Alameda so you ve got to go through a tube to get there and stuff So it s kind of physically not You know you don t think of it as being very close together

But the people in north county basically had no college because there was nothing close to them So a lot of people this is before I really got involved in it started arguing they needed some kind of a college So they established a learning pavilion [Laughter] which was sort of like an outpost in Berkeley

I got involved in 1972 or so when I was on the board of supervisors I got reapportionment into Berkeley which we talked about So it became of interest to me what the heck was going on with this college? Where is the college? So at that

point they were thinking about even closing what they had We started building pressure They opened a rental facility and said This is And over the years became Vista College is in a rented building with no student lounge no student library in a building that is dilapidated at best and had no counselors I mean it was like a joke

At that point I got involved in electing people to the Peralta District by saying I want to have somebody who s going to fight for Vista There was a woman [Marcia Cortfreud?] who was on the board and she was an African American woman on the Peralta board who represented Berkeley and Vista She was out of touch with I mean she didn t care about Vista I started running candidates to unseat and [Congressman Ron] Dellums was for her This was one of the only splits we had I was for anybody but her to get her off it but he was for her

What happened was finally we got somebody elected Tom Brougham was elected to the Peralta board from Vista the north area which was Emeryville Berkeley and Albany

Later of course I m in the legislature and I m really angry at the Peralta board for not moving forward and getting a real campus and getting some kind of a facility in the north area of their district Lo and behold it turns out that Plumas County the Feather River county is losing its shirt because they don t have any students and they think they ve got to close it It was a white elephant Feather River and Merritt campuses were both white elephants Merritt for a different reason But Plumas was so far away it had a separate administration they didn t have enough students The representative in that area is in the state legislature Stan Statham and I and others said Well look we got to figure out a way to cut off to

de annex from Peralta and establish your own district so you can recruit your own [Laughter] students And it s too far away

Legislation went in He put it in Statham put it in I supported it And we worked and they de annexed They left the Peralta District When they left they owed they had to divide up the assets that they were taking with them So they owed money They figured they owed to Peralta District I think roughly about $300 000 a year that they were going to pay Peralta for the assets that they were acquiring That was the only de annexation that had ever occurred in the history of the state community college system

So that happened and then my time is starting to run out in the legislature and still nothing is really happening I go to the Peralta board and I say I want you to buy a piece of property in Berkeley and get on with building a campus in Berkeley They said Okay we ll do that They appointed a committee of my friend Bob Burnett Tom Brougham was on it and Susan Duncan was on it because Tom Brougham and Susan Duncan were members of the Peralta Trustees Bob Burnett is a local businessman They had some others who were on it were minor participants

So they looked all around Berkeley and they found a piece of property on Center Street just off of Milvia It was owned by the YMCA and they were going to sell it for $750 000 They came back to the board of trustees and said We found a great piece of property It s owned by the Y And we d like to buy it They presented the recommendations The board of trustees said no They weren t interested in buying a piece of property in Berkeley They said they didn t have the money they didn t know where they were going get the money to build a campus and they said no So I was livid I said That s it That s like the crossing of the

Rubicon and there s no going back So I said We re going to de annex this northern part of the district

Little did I know what was involved with de annexing It turns out there s this very complicated process The first process is you have to go to the governing body in this case Peralta Board of Trustees and ask them for their permission to circulate a petition to withdraw from the Peralta District to de annex It takes four votes to do that

So we organize and there were a lot people in Berkeley who were just livid at what had happened Because what had happened is that Vista College was actually a viable college a college that grew and continued to make money Every year Vista College would make approximately after their expenses $2 000 000 which would then go to the central office which would help to underwrite the losses that they had at other campuses particularly Merritt Merritt was built up in the hills with poor transportation and it seemed sort of like an ivory tower They ve never been able to figure out how to get students to attend with any regularity at Merritt College Vista had part time instructors terrible facilities terrible student facilities no counseling no library It was just an outpost that was a cash cow that was making money So we went there and we organized with the students and other people

At this point Bob Burnett joined me in this effort He was mad too Bob Burnett is one of the founders of the Cisco Systems And so he s retired and is interested in this sort of stuff And myself and Maudelle Shirek who is a member of the Berkeley City Council and one of the early fighters to establish a presence of Vista in Berkeley from the old learning pavilion days The three of us prepared a petition We went to the Peralta board with approximately a hundred supporters

One of the students got dressed up like a cow and had a cow costume on cash cow and kept going Moo [Laughter] We had been fighting for this for a long time

There were seven members on the Peralta board Darryl Carter who was also a supporter of ours There s [a] seven member board I m sorry seven member board So Darryl Carter he s a supporter of Vista He wants us to be an independent And we had Tom Brougham who represents Berkeley He was for Vista being independent Susan Duncan who represents part of Oakland and half of Berkeley is also a supporter of Vista College So we had three votes We have to get one other vote

There was woman on there whose name was Dodie Gifford who was unpredictable to put it mildly and they never knew what she was going to do She got so mad at this cow and his demonstration that she said I m signing this petition And the sooner you leave the better So she signed so we had four votes Three votes were against it So if we had not gotten Dodie Gifford s signature we would not have been able to start the de annexation process

[End Tape 23 Side B]

[Begin Tape 24 Side A]

BATES We then had to go to all the school districts We had to go to Berkeley Albany Emeryville school districts and the Alameda County school board and get their approval to de annex Then we d have to go back to Peralta again So we went to Berkeley and it passed unanimously We went to Albany it passed unanimously At that point somebody at Peralta woke up and said Whoa wait a minute Berkeley and the north county represented roughly 25 percent of the district So we would be entitled to 25 percent of all of the assets of this district And we had thanks to Bob Burnett we had hired people to do fiscal analysis and the president

of Vista a woman by the name of Barbara Beno received permission from Peralta to help us figure out the economics

So we had a five year plan of how we would be self sufficient how we could grow and how we could get this great campus We did all this work I was used to because of my experience in the legislature about working things through committees and various levels of governmental red tape and stuff Well the union realized that they were about ready to lose this cash cow and they were opposed flat out opposed So when we got the four votes to circulate the petition they immediately went to Dodie Gifford and just banged on her and said What are you doing? This is crazy They ll leave and we will lose this asset and we need it part of our district And they made all these arguments

So we came to Emeryville We needed Emeryville to approve it because the way it worked out is we had to have a majority of districts that were affected The districts that were affected were Peralta and these three school districts And Peralta turned around They were not going to approve it when we came back to them because there were now four votes against us So we had to get Emeryville There was a fellow there by the name of Don Dorsey who is African American who was on the board He came down to be the swing vote We lobbied like crazy the board this is Emeryville Board of Education and it came to the vote and he voted with us saying You can t trust these people which is what we thought too [Laughter] So it was like an heroic vote on his part

McGARRIGLE And the union it was the teachers?

BATES Teachers union yes

McGARRIGLE The instructors?

BATES Yes the instructors Who I have a lot of problems with who I think certainly gave the implication that they were close to corrupt I mean some of the things that happened there were unbelievable The board of trustees gave the union the money that they had available for raises and told the union to determine how it should be spent So it went all to the higher end people and all of the part time people and all the new people didn t get any money There were union employees who were union leadership who were working for private industry getting higher salaries than they would get teaching so that when they retired from Peralta they would have to retire at the higher range I mean there were just a whole host of people not teaching There was corruption in the district Teachers were involved with having veterans of foreign wars primarily I think they were Filipino taking courses and saying that they were taking courses when they weren t actually attending and kicking back to their teachers Bad reputation about quality I mean a very spotty faculty Some were great a lot of them were not so hot Falling attendance I mean just all kinds of problems

And the director the person who was the head the district at one point I got into this before I started talking about de annexation They went broke I did a bill which established a trustee that came in to run the district because they had gone financially under So I ended up bailing them out becoming a trustee specialist [Laughter] not by choice but all my school districts went into financial bankruptcy Berkeley went in Oakland almost went Emeryville went in Alameda County went in Peralta went in Also West Contra Costa School District went in I was involved with all of their bail outs and recovery programs

But anyway they had a whole history of problems and they had an acting chancellor who was not very swift let s put it that way

We then had three school boards We went back to Peralta They said No way They said no But we had three out of four so that was enough to go forward Then we had to go to Alameda County Alameda County Board of Education and get their approval for the de annexation We went there and it was the same thing It was like where are we going to get the votes? And we did We got the votes actually easier than we thought But the staff member who was working for the Alameda County wrote this terrible inaccurate we thought report about the fiscal analysis of it

So then it goes to the State Community College Board of Governors of the State of California We go up to Sacramento and we meet with the staff before we meet with the board of governors And staff says they re not interested in this de annexation at all It d be the first hostile de annexation ever to take place in the state And they could see instances of you know this happens here it could happen in L A it could happen at Riverside What was at issue was that a lot of times you have a community college that started and then they may start another branch somewhere else like in Contra Costa They have Diablo Valley and then they have two other campuses Contra Costa College it s in Richmond and they have Los Medanos in Pittsburgh

McGARRIGLE Yes I know what you mean

BATES Yes so anyway they feel like they re underfunded And the same thing happened in Hayward with the Southern County They have two campuses And the campus out in the East Campus feels like they ve never gotten their fair share So there s always like whenever you start another campus assets are not evenly divided amongst the various colleges So if we did this at Peralta it could happen anywhere it would be terrible

McGARRIGLE You d be setting a precedent

BATES Yes Terrible precedent Well we tried to explain to them Nobody in their right mind is ever going to allow people to pass a petition unless they re crazy to begin with They ll just say no and it ll be over But these people said yes So the staff recommended against us The state staff recommended at the board of governors against us But we had a chance to appear before the state board of governors on three different occasions They actually paid attention to what we were talking about These were all appointees now of The state board were all appointees by Governor Pete Wilson They were all Republicans And as luck would have it one of them I knew from Cal and I d gone to Cal with He was a friend of mine His name was Tom Kranz he was on the board Then we got to know some of the other ones

So we started politicking these people They heard our case They heard the other side s case how pathetic it was how they d mistreated Vista and how they had not done what they d said they were going to do and how you know there were just all these series of broken promises that they d made

Not the least of which is that along the line they came it went to the voters for a major bond in I m going to say 1990 In 1990 they came to the voters and put forth the bond That might not be the right year But the facts are right They wrote the bond in a way that Vista could not get any money They wrote it so that it could only be used for remodeling and reconstruction of existing facilities and specifically wrote it so Vista could not be funded I mean this is mostly because of the union And they said they did it because of a poll now I never saw the poll that said it wouldn t pass if new construction was included So Vista was excluded

We appeared before the board We pointed out all this stuff And I actually made probably one of my better more impassioned speeches ever before this group I think I even have it I don t think I have it [Laughter] on tape So they voted against the staff

Now these are Normally Republicans believe that you should hire staff and you should go along with their policies and you should do what they say If you don t like it then you fire the staff I mean that s the way it works You don t micro management No they came in they approved our petition over the staff's recommendations It was not even close It was like ten to two

That meant the next step in this continuing saga was to go back to Alameda County and go to the voters and have the voters decide whether or not we could split Now we were concerned about this because 25 percent of the people resided in our area So by and large if you look at it what would happen is that we would have to even though our area turns out in higher proportion at the polls we d have to get overwhelming support in our area and we d have to get not killed in the rest of the district We d have to break even or come close Well if we broke even we d win easily But we just couldn t lose heavily in the other part So we were set to go with this knock down drag out election

What happened is they sued us The Peralta College District sued us and said that we were discriminating on the basis of racial discrimination That minority kids would be discriminated against they wouldn t be able to attend our school

Now at the face of it this lawsuit seemed to be We were going to win hands down because along the line the community colleges in the old days were such that you had to go to the community college in the area that you lived in That was the law And if you wanted to go someplace else you had to get permission like

you do in K 12 if you wanted to go from one area to the next But the legislature changed the law and said that you could go anywhere you want to It was not a question of boundaries

Well it turns that when the community colleges were started junior colleges at the beginning they amended the K 12 codes and added this section about community colleges So it was like K 14 And so a lot of the codes were written that still apply to K 12 applied to the community colleges

So they went into court and they had this judge who ruled in their favor saying that He had an injunction saying that yes in fact we discriminated that based on the law and looking at the K 12 law that we were discriminating against people s right to go where they wanted to go and it would in essence establish indirect discrimination

So we said Well that s okay It was bad because it took the momentum away took us off the ballot and then we d have to appeal it to the court of appeal

If it went to the court of the appeal and at that point we started figuring it out Peralta had a very fine group of attorneys that were representing them a well known and respected group in Oakland We had hired Bob Burnett had actually hired someone to help us out So we had legal representation We were amazed that this judge ruled the way he did Absolutely amazed It was actually an African American judge And it was like we were stunned that he ruled the way he did

McGARRIGLE Do you remember his name?

BATES Not off hand but I m sure I have a record of it someplace

So what happened was we then started figuring out what it s going to cost to appeal If we win the appeal it s going to go back to the trial court it ll be heard in the trial court They have made it clear they re going to appeal it all the way up to

the supreme court So we figured it s going to cost us between three and four hundred thousand dollars to fight the lawsuit to represent ourselves At that point we said Well maybe we better negotiate The state chancellor his board had overturned his recommendation came in and said he would help And they were sued too They were sued also The petitioners and the state board were sued by Peralta So they were part of the suit They said We won t represent you basically and we want to negotiate a settlement So we said okay

McGARRIGLE You were acting as individuals or ?

BATES Yes We became known as the petitioners The three of us were the petitioners

McGARRIGLE But you weren t acting in any official capacity?

BATES No I m out of the legislature now too So we re acting as individuals on behalf of the people of the northern district Albany and Berkeley and Emeryville

So we started negotiating for this They agreed that they would buy property by a certain date They said that they would build a building by a certain date that they would increase the faculty representation by a certain amount and we would grow our budget by a certain amount that they would rent new space

What happened was Al Harrison who was the acting chancellor basically was replaced by we had to do a search and hired a new chancellor His name is Ron Temple He comes to us from Chicago via Philadelphia via someplace else Every place else he s been he s been fired I don t know whether it s good or bad [Laughter] But he was fired He was the head of the community colleges in Chicago and was fired by he says by Daly the mayor of Chicago Daly The reason being that he wouldn t go along with his patronage ideas Now I don t know if that s true or not

But anyway he comes on the scene He says Lookit I m all for this Vista I want to build this building I want to do this you know make this happen And he takes steps to do this They do follow up on all of their things

Also I should just mention along the line when we filed the petition in about 95 it s now when you re working the clock in 96 out of the blue the Peralta board says one of the trustees says We want to put it on the ballot to give Vista $8 million to help with the building of the building And we re willing to change the law to allow this money that we ve passed in the 1990s to also be used for Vista so it would be money that was approved before and a little more And we thought Oh God This looks like a ruse Why would anybody in Alameda or Oakland vote for Vista? It s not something they would ever be involved with It s in Berkeley You know it s not here So we were extremely cautious and concerned about this idea But it went on the ballot and there was no opposition Nobody filed any opposition against it And it passed So actually they did do another step We had some money

Then lo and behold along the way we re still in court They keep doing things We keep our court case alive We say If you guys are really acting in good faith then you can t mind us keeping the court case alive So our court case is being continued keeps getting continued It s been continued since 1996 to 2000 by both parties agreeing to continue it We re afraid that they re going to double cross us at any moment If they do that then we go back to court and we think we have to argue the case now

Some other things have happened in the meantime One thing that s happened of course is that Davis now is there new appointees to the community college board which is actually bad for us because the other group was perfect for us The

other thing that s happened is that the lawyer for the state chancellor who represented the court was the attorney general But I think they did a terrible job in arguing the case the first time when it was before the trial judge who ruled that it was discrimination We now have a new attorney general Bill Lockyer who s from this area who knows about these fights So rather than us having maybe to have to shoulder the $300 000 to $400 000 that it s conceivable that the state attorney general will pick up those costs and will fight the fight for us So we re not in such terrible shape

But they ve continued to do things All of a sudden they came up with this idea of going with a bond this time to build Vista and to do all this other stuff A hundred and fifty million dollars bond And they came to us and we said sure I said sure that we ll support that because the new chancellor seemed to be doing the right things and they seemed to be taking steps in the right direction Bob Burnett said sure Maudelle Shirek said no She didn t want anything to do with these people she doesn t trust them And they ve done some really bad things I mean along the way we re building good will and they re doing what they re say they re going to do They did buy a piece of property They own it

But they fired Barbara Beno who s the president of Vista College They don t renew her contract She s a contract employee So she leaves This was really a terrible blow because she was a big ally for us It was a bad signal But they put on this bond issue

It comes around to the campaign and they hire a person that I m very familiar with Larry Tramatola who worked in Loni s campaign when she was in a runoff election and a very good guy I meet with him He understands the situation They end up saying to me that they want to use me on a piece of campaign literature I

agree to that with certain circumstances One is that they say specifically in all of their material that they re going to build Vista College They had said something to the effect that they were going to get additional classrooms and stuff I said No you got to put on Vista College So they agreed to that

Then I talked to some of the trustees and Bob Burnett talked to trustees to make sure they re not At least at this point in time they say they re going to support Vista You know there s an expression in Sacramento an unfortunate expression where they say Well then was then and now is now It doesn t mean anything and there s no way to get any real guarantees But I agreed to do this so they took a picture of me at the site of a new Vista College and used an old picture that they had of me with Ron Dellums and Cesar Chavez and John George taken in 1976 It was when I got involved with Vista College

I wrote a letter to the voters of this area which was the Albany and Berkeley and Emeryville area It was the late piece that went out in the campaign It passed It passed It got actually I think 78 percent of the vote or something something overwhelming So Measure E passed They now have dedicated $37 million to Vista to build this campus

There s actually an adjacent piece of property that makes sense for them to buy I ve talked to the chancellor about it and I think they re going to buy this other piece of property so it d be a bigger site

McGARRIGLE This is still on Center Street?

BATES Still on Center Street

McGARRIGLE So they did buy the building from the Y?

BATES They did buy the what actually happened I guess I should explain this a little What happened was that they could buy it for $750 000 and Chancellor Harrison

when the board said no and then the board sort of said yes they came and turned around This is after the Waterloo had been passed and we started circulating our petition They said Well maybe we will buy this again So he went in and he could have bought it Somebody bought it for $770 000 They paid $20 000 more than $750 000 The Y sold it They then decided after doing a search of all the properties again while we re in this lawsuit, where we reach this agreement that they re going to buy a piece of property They determine the old Y property is the best piece of property The person said But we re not selling it

They condemned the property they had to go to court and they work out a settlement and they pay a $1 750 000 They paid a million more two years later than they could have had it before So they do own the property The irony is there s this little piece of property next door to it that has frontage of I d say maybe fifty feet maybe more seventy five feet But it would be ideal as a single story building But the owner of that building is also the person who [Laughter] owned the lot who bought the lot They may have to condemn that too But it s needed

McGARRIGLE And they have the power to do that through eminent domain?

BATES They do have the power of eminent domain Yes they do So we ll have to see But it looks like after This is one of these fights that really started for me in 1975 or 76 really continues until 2000 and then we still have a ways to go But I think we won I think we re going to turn it around

So for me it was wonderful to have the The Shoreline is going to happen in the next ten [Laughters] years five years Vista College is going to get built I think I hope

McGARRIGLE And no more talk of de annexation then?

BATES Well see actually we still have this thing hanging It s still

McGARRIGLE But the lawsuit s still ongoing?

BATES It s still continuing Yes We continue it At some point you know if they ve hired an architect I think if they buy this other piece of property I believe that they will go ahead with this And the reason I think that is that I think that the current chancellor Ronnie Temple who wasn t part of all the fighting I mean there was real hatred between these sides I mean they would divvy up money for the colleges and they would just screw Vista I mean they would just give them less money It was just straight out I mean [Laughter] everybody else would get like ten computers and Vista would get none I mean it was like they d just say Screw you guys There was a lot of Berkeley bashing you know So it was a lot of real animosity But I think the chancellor sees this as a real showcase as a really great opportunity

And then the University of California hearing the de annexation When Chancellor [Chang Lin] Tien was there he was very supportive of us de annexing because they realized that here you basically have a bunch of weak colleges around you community colleges Where if you had a strong community college system right there in Berkeley that a lot of courses could be taken there Particularly as enrollment swells at the major universities more and more students are going to have to maybe go to community colleges just to get in So to have a strong connect with community college and the university

And then Bob Burnett is very interested in all the high tech and communications so it could be a satellite place

I think it s going to end up being I hope a really world class facility that would maybe do distance learning and all kinds of exciting things from there

McGARRIGLE And has the union come around or are those people gone or

BATES Not really Not really

McGARRIGLE That s a subtext?

BATES At first they said they were going to oppose the bond issue Then I heard at the end they supported it but they didn t give the campaign any money They didn t do anything that we know of as an organization to foster the passage of the bond But Temple has been in knock down drag outs with the union He s fired people and he s brought in people and he s uncovered all kinds of other corruptions that there were evidently some janitors there who had people working and they were kicking back to him He was falsifying that they were working overtime and they weren t working overtime and he was getting part of the money I mean there have just been a Actually it s like a culture of almost corruption that was there I thought maybe the reason it wouldn t pass is that people would see this for what it is

The only opposition that happened in the bond they got lucky and nobody filed a written opposition and the only people who came out against it were the *Oakland Tribune* came out against it And that was it They don t have a very big subscription I mean they used to It s now the Alameda Newspaper Group which is very prominent in the city of Alameda and also in Hayward and I think in Fremont and in Pleasanton and Livermore In those areas So they came out against it But that was it So they ve been very lucky

It s been fun you know fighting And it s fun if you win but it s a long long drawn out event I guess good things take a long time We ll see You know we re also It s like you trust them but you don t let them come behind your [Laughter] back So we had to watch it and keep an eye on it and see what happens But I think we ve won I hope

McGARRIGLE Well you have the location I mean you have what Merritt didn t have and what Feather River didn t have You have access to public transportation in a major urban center

BATES Yes and very close to the campus Cal You walk to Cal back and forth I think it s going to be a great winner And see it will be an urban college I mean it won t have We used to joke it s not going to have a football team or I d like to have a basketball team [Laughter] It s not going to have a basketball team Maybe it will have But it ll be an urban college It should be a wonderful learning opportunity for people in this area What s happened is every year Vista grows Vista grows They offer courses and people come Whereas other colleges have not grown

Alameda has been stagnant It may have changed recently but it s not made any money Merritt has been a money loser Their chancellor has ideas about reviving their I have to see At one point the University of California wanted to buy it There s like 135 acres up in the Oakland hills What I keep saying is Look it you ought to turn that asset into some kind of money I mean I m not for building necessarily houses all along the crest but there ought to be some way to utilize that property

Alameda the campus is located in a very nice location in Alameda and there s land that could be used for other purposes I mean it s easy to second guess but the situation is that they have a headquarters down by Laney College and it s by a big parking lot and developers keep coming along and saying they want to buy this property and develop it and make housing and other things Well they could easily say Okay we re not going to sell it we re going do it on a land lease and get income coming in and then maybe relocate to one of these campuses that s not so

fully utilized like Merritt or like Alameda or even at it d never come to Vista because it would be too controversial But they could do something like that

They have all these assets at Merritt If they converted those to some kind of income it d be really a smart step because they have three really excellent places Merritt with 135 acres they can easily figure out some way to get some more money coming into this campus The headquarters where they re located is an absolute gold mine If somebody wants that they can do a ground lease and not underutilized property They can do that And then Alameda there s excess land there they could easily convert So they need to be smart fiscally like public entrepreneurs in some ways

So I don t know if they I hope this chancellor has the vision and ideas I think the chancellor sees Berkeley I hope as being a real jewel for him It will be something he can put his mark on and it will be an outstanding learning facility for a long period of time So that s Vista A long ongoing story

McGARRIGLE Let s save the Center for Ecoliteracy for another hour Is that okay?

BATES Sure because it s almost twelve

[End Tape 24 Side A]

[End of Session]

[Session 14 February 8 2000]

[Begin Tape 25 Side A]

McGARRIGLE This is a re gathering after some mechanical problems last week We discussed earlier in the interviews your role representing Berkeley at the state level the district but Berkeley specifically And I wanted to ask you about coming from Berkeley and what that has meant at the local level

BATES If you recall my history is that I spent most of my time actually in Oakland Until I married Loni and moved to Berkeley in 1986 I really had more of an Oakland identity and I think I mentioned this before but when I was in the state legislature I always identified myself as being a Democrat from Oakland So it was always D Oakland whenever I was putting out press releases And that was a time we did that when I had my office in Berkeley and I lived in Berkeley It was a [Laughter] little bit misleading But we were always trying to attempt to identify me with Oakland because in our opinion it didn t draw the same kind of reaction that Berkeley does

Berkeley has because of its history its colorful history people draw certain stereotypes like that you re really ultra liberal and they don t have a chance to judge you on the basis of who you really are I was an ultra liberal [Laughter] so it s probably OK to identify myself The press sometimes would just ignore the fact that I put D Oakland and just change it to D Berkeley because they wanted to have me come from Berkeley

But at the local level when I was on the county board of supervisors I was elected initially and did not represent Berkeley So I was in sort of a different position but it was clear even then within the cities and the county structure of Alameda and elsewhere and local government agencies I served on like the air board or health commission the comprehensive health planning board I served on people always look they always discount Berkeley saying Oh well that s Berkeley It s like it s a separate nation or something [Laughter] or a separate planet

The Berkeley bashing just exists everywhere I think Berkeley in some ways they may have it coming because people in Berkeley a lot of times give the impression that they are superior and know the right things and they are the politically correct people or something People take that and assume that everybody in Berkeley [Laughter] is that way There is just a need to somehow or other put Berkeley people down or the city down That somehow or other it raises their status by placing Berkeley at a lower level or something

But you know when I was living in Oakland and representing Berkeley in the state legislature and I used to drive along Interstate 80 on the way up to Sacramento and I would look up at the Berkeley hills and the Campanile and think about all of the Berkeley history and it used to really I mean it was really thrilling for me to have that chance to represent this place that had so many good ideas and so much going on and so much creativity To have a chance to represent such a place was a great honor for me I really loved it It was like a great privilege And as we ve talked about in the past the fact that I was in this community I used to get literally hundreds of ideas for legislation

practically every year new ideas and new challenges It really is a place that kept me on my toes There were all these people pushing for [Laughter] something or other and fighting causes

As an example when I was in the legislature I got very much involved in international politics I got involved in the Contra and the whole Nicaragua Central America scene and went down to Honduras to inspect the National Guard s road that they were building Got involved with foreign policy I would have never No other legislator particularly would get involved with foreign policy except for a place like Berkeley which wanted their legislators and people who represented them to not only be involved in the local issues but involved in international issues So it s a special place and as a special place there s jealousies and people bash it And Berkeley people somehow or other sometimes have it coming especially some of the people who have this great sense that they are right about things and the sense of entitlement that everything should be given to them because they are smarter and richer or whatever [Laughter]

So some of it s certainly a way of blaming Berkeley and bashing is maybe justified but I think on balance it s a special wonderful place and just doesn t need to take itself too seriously

McGARRIGLE [Laughter] We spoke a lot last time about Vista and the situation with the community colleges We have in the past spoken about Berkeley and Oakland and the surrounding communities I wondered if you could address some of the racial politics of the area

BATES For sure in Oakland when I was living in Oakland and working in Oakland the racial politics was a big part of the whole power structure Initially of

course white people Caucasians controlled everything But as the population became more and more African American and Hispanic and Asian primarily you know they really wanted representation and demanded representation There was a really long struggle particularly in the African American community to gain leadership and to get a toehold on various positions of power

Ron Dellums was a giant breakthrough He was elected to the Congress in 1971 Clearly in Oakland with the poverty program that Lyndon Johnson put in place African Americans had an opportunity to gain control of some degree of discretionary money and the Model Cities Program had a chance to shape their community a chance to actually develop leadership in their community As a consequence a whole lot of things have occurred But when Dellums was elected and leadership was forming they saw an opportunity in the East Bay to really make a mark Dellums as sort of the titular leader in the political movement in the East Bay was dedicated to trying to get more African Americans in public office and into positions of power and leadership He had established a local advisory committee which advised him on various people he should support around running for and seeking office

Invariably by the composition of that committee and by his own desires to have more African Americans and women in positions of power and also progressives I mean ideally it would be a progressive person who shared the same belief system first and foremost and then in that category African Americans would certainly have a leg up on anybody else Everything else being equal they would be certainly the first choice of this group So he had a great deal of influence in terms of getting people together to push for African

Americans to be in various elected positions Lionel Wilson he supported I supported and others supported for mayor became an important African American leader He left the bench and ran for mayor of Oakland and was elected and became a very important symbol to people that the highest local office was attainable Dellums had done it Lionel Wilson had done it

Then the whole Oakland City Council became a majority when we went to district elections became a majority African American They actually did seize a lot of power and a lot of it had to do with the fact that they recognized the fact that they could mobilize their people to vote

The district in Oakland is such that not the districts but the community is such that in the flatlands of Oakland is where most of the African Americans live and as you progress up in the topography up to the hills you find less and less in sort of the stratas of the socioeconomic and also where people live The key was always to try to form a way to get the African Americans in the flatlands to register and to turn out to vote and at the same time make a coalition with the people in the hills and in the I would say also the people in the foothills to vote with their candidates It really required in Oakland a coalition to come together because if you just simply ran a black candidate who didn t have appeal to people like liberals and progressives in the rolling hills and in the upper hills of Oakland you couldn t win because the turnout was so low in the African American communities that the percentage of people who registered to vote was disproportionately lower in the flatlands It was difficult to get people to register to vote and once they were registered the turnout actually wasn t as bad as it is in some other parts

of the country or the nation but still in the flatlands it wasn t as high as other areas of Oakland

So it ended up being a situation where when they changed the elections from an April election to coincide with the general elections in June and November the turnout automatically went up because people knew there was an election and they cared about it So that enhanced their power base by enhancing the turnout in the African American community substantially

But even so it s very difficult to run on racial politics to run without making some inroads into the progressive and the liberal communities Dellums recognized that so he tried to forge as much as possible politics of inclusion and politics of bringing in the liberal community And I think that I had a role in that That I was a Caucasian elected official who was sympathetic to trying to get women and African Americans elected to public office and also was to a certain extent deferential deferential to Dellums s choices I didn t really endorse people until I saw what he was doing in terms of his endorsements Generally speaking I had discussions with his staff all along about who they thought they might endorse who might get through their advisory committee with the support so that I wasn t taken off guard so that it wasn t like somebody went through their system who was objectionable to me at the outset So it was this wonderful communication

Then once Dellums endorsed and then I would representing sort of the liberal white community Caucasian community would support it added a lot of legitimacy to the efforts Backing up for a step Dellums was elected in a congressional district which had about 28 percent African American voters It was not a district that you d say That s an African American district That

was a district that basically voted for him because of his politics and for what he stood for not because of his race And so he was able to win that seat

Now having spoken a lot about Oakland I think that Oakland to sort of conclude that is really one where you have to be inclusive to win overall elections the mayoral elections the at large election for city council the Congress the state senate You have to have that coalition They have gone to district elections which even though they re fairly large districts have meant that you could run campaigns and be less inclusive You could run as an African American candidate and not necessarily reach out to people and still have the opportunity to get elected It s not very smart nor is it a good idea but you could do that

After the Model Cities Program Republicans were in control of Oakland Model Cities comes along now taking you back to the late sixties and what happened is that African Americans had control of some funds and developed leadership which Dellums and other black people came out of they basically really established racial politics at that time They said We re black and we want power And the whole the Black Panthers came along about that time There was a whole black awareness a whole black racial it was very tense and difficult They were militantly interested in making changes and having blacks take power

But over time when Dellums then got elected he basically said I got elected with a lot of support from other people Even though I want to see blacks elected and I m going to support that he also recognized the importance of having a coalition And then at that time the elections were held you had to live in a council district but you were elected at large So at

that point it was absolutely necessary to have a coalition to win because as I mentioned before you had to have that broad base of support

Then over time the elections got switched to being aligned with the general elections the state elections and the federal elections and they went to district elections That changed the ball game So over the whole area you had to form coalitions but by districts you might be able to get by by running as an Asian in an Asian district or as an African American in the African American district in East Oakland So that s kind of what happened

And Berkeley it s just such an unusual place The people in Berkeley have supported African Americans even though they had a very relatively small percentage of the vote Byron Rumford was one of the first He was an assemblyman He was elected in Berkeley He was a pharmacist and he ran for the state assembly and he was elected He was an activist on housing issues and equal rights for people around housing issues He was elected overwhelmingly in Berkeley Berkeley elected Ron Dellums in the early sixties [1967] in an at large seat They had to run in the whole city He was elected They basically chose people on the basis of their politics rather than their race and have continued to do that choose people on that basis It s pretty remarkable And in some ways in Berkeley if you are a person of color and everything else being equal probably people in Berkeley would choose you because they d like to have representation of people coming from a position that they would like to see equality happen in the communities so they would be willing to support them

A great example of that of course was in 1962 In Berkeley the school board put the issue on the ballot to have the schools be voluntarily integrated

and the people voted to integrate the schools to have a mix of kids from the lower socioeconomic part of south and west Berkeley be mixed with kids in the hills It s not always been the greatest experiment but at least they have that commitment to move forward with that idea So it hasn t been other than occasionally people would do some race baiting where they say that to try to intimidate people like You re a white person and you don t know To a certain extent that s probably true There s issues and experiences that we have never had and never will have and so you need to pay attention But sometimes the manner in which it s expressed is off putting I don t know if that answers

McGARRIGLE It does And you re saying that that happens?

BATES It happens a lot of times in public when you as a public official It didn t happen to me too often but occasionally it would happen to people that people would come in and demand certain things to happen A style of confrontation with the elected officials And then basically use race as an issue You don t understand because you re not Asian or You re not black or You re not you know I think that s true there are issues that we don t understand The idea that if you don t go along with this then suddenly the whole black community and African American community is going to vote against you or something is ridiculous It could possibly happen but it s highly unlikely [Laughter]

So I think a lot of times the confrontational particularly when people like myself and Dellums and others were truly trying to do what we thought was helpful not be part of the problem and we re trying to be sensitive to what they re saying and understand what was real and try to figure out what

they re saying and people are asking what they want you to do what is achievable and what needs to be raised as an issue even though it s not achievable But we tried to understand the legitimate concerns and provide leadership in those areas but sometimes it is uncomfortable

Now having said that I didn t have that happen to me probably in twenty years probably only three or four times I mean it wasn t like it was a regular occurrence or something where people were using racial politics or race as a wedge to divide So it really wasn t that big a problem

Now as it relates to Peralta we talked about just to go there for a second that was an area where people did organize themselves around race African Americans were saying that we were that I in particular was a racist because what had happened over the years is that Peralta this is the Peralta Community College District had four campuses Vista and Alameda and Laney and Merritt They also had a central headquarters In the central office they had gathered a number of administrators a substantially large number of administrators compared to other community colleges

Now you could argue that they were needed and necessary but I felt that they weren t necessary They had administration at each of the colleges and then they had too large a central administration That it was really being run in a way that was not needed and wasn t justified So when they went bankrupt and they came to me I was highly critical of the administration and said it had to be changed and had to be restructured and they needed to get rid of what I considered to be an enormous amount of overhead

It turned out that the Peralta district central office was a preponderance of the administrators were African American Good paying jobs and African

Americans were filling them So the people who were losing their jobs and their friends relatives then seized upon this that somehow or other I was a racist They tried to make this a racial issue that I was somehow or other going after them because I was a racist And they said that and it was uncomfortable

It was interesting because what happened was that I was trying to figure out how to respond because it was building they were going to meetings and they were organizing around this issue And then people are critical of the press but this is an example of somebody really coming to my assistance There was a columnist her name was Brenda Payton who was an African American woman who wrote a column for the *Oakland Tribune* She without discussing it with me or anybody wrote this column about how ridiculous this was that they were attacking me coming after me as being a racist She pointed out all the things I d done you know Lionel Wilson and Ron Dellums and Gus Newport It was just a ton of African Americans I supported and I have staff who are African American I had fought for these issues She d basically said this is really unfair and unjustified and should be seen as such

And that was like the end of it People started saying Well that s right So it gave some legitimacy for I guess the people who were supporters of mine to step forward and say this is not the case And of course Dellums I don t think not that I m aware ever publicly said anything but clearly his staff and people knew that this was going on and did talk to people privately and otherwise But it ended It stopped And it was very comforting for me to have somebody step forward without being solicited or anything and make

this defense So that was nice And that was one of the few times that it happened

But these people were very threatened They were losing their jobs and they were trying to figure out some avenue that they could and the person who was a chancellor was African American And the financial officer was African American And it was a terribly run district We brought in this guy who straightened it out I ve had difficulties with that district ever [Laughter] since as we talked about But that was an issue that came up Rather than directly going and saying Tom is trying to destroy our district or whatever it became racial because that was their defense

So that was an issue that did get raised again saying Well here he goes He s trying to hurt black people But again that didn t become a racial issue They did raise it in the court case but I don t think anybody seriously thought that we were trying to leave the district because of the fact that we wanted to form a white district It was more that we wanted to get out of there because it was so poorly run And our attempt to secede to de annex we got key support from African Americans Don Dorsey the guy from Emeryville the African American he was the absolute key vote If it wasn t for Don Dorsey we wouldn t have been able to get Emeryville to allow us to go forward with our petition And he was under tremendous pressure from people I mean he was under all kinds of racial pressures and everything He basically when he voted to let us de annex said I don t trust these people [Laughter] which was the case

And there are some members of the faculty who are still I m sure using racial issues When we tried to de annex Vista College it was also racial The

lawsuit that was waged with us said that we were trying to leave because we wanted to create a white district which was ludicrous on the face of it The judge heard the case and as I mentioned he was African American I didn t attend the hearing but he did make the ruling that I thought was really wrong and it wasn t really founded in what I think the law is Saying that we were looking at K 12 law and taking it to the community colleges and making a decision that we were in fact creating white flight when anybody can attend any community college they want and they can go to the Berkeley Vista campus I mean one of the major problems Peralta Community College has is that people who go to community college from Berkeley a lot of them go to Diablo Valley College which is out in Pleasant Hill They drive out to Pleasant Hill Or they go down to Chabot They don t go here because they don t feel that the quality of the education is as good

So those were kind of the issues that I had relative to race

[End Tape 25 Side A]

[Begin Tape 25 Side B]

McGARRIGLE I have Claremont Canyon on the outline and I know there s a story there to tell

BATES Well it really was a story I was in the state legislature and the people who owned the land up behind the Claremont Hotel the part that s now in the regional park wanted to develop a series of condominiums I forget the exact number but it was something like 400 or something that they were going to place on the side of the hill the mountain there and provide for condos for people rather expensive condos And it was backed by a person by the name

of Tom [Berkely?] who was an owner and editor of the *Oakland Post* newspaper and who s very well connected politically

The issue was and the property was located in the city of Oakland It was not in the city of Berkeley In fact an interesting thing happened was that the Claremont Hotel was actually half in Oakland and half in Berkeley And they went before LAFCo which [decides] jurisdictional problems and requested to be only in Oakland And so they did get redrawn to be only in Oakland

McGARRIGLE And what does LAFCo represent?

BATES LAFCo stands for the Local Agency Formation Commission something like that And what they do is they determine any boundary disputes between cities and sometimes a city and the county so that if you had a development as an example on the edge of two cities say Pleasanton and Livermore both are impacted then LAFCo would determine the exact boundaries of the city and then also the impact that would be on the other city So they d have to provide like sewage or transportation It basically helps to plan beyond your own jurisdiction

So this group LAFCo which is made up of appointees decided that the Claremont Hotel should be all in Oakland And just fast forwarding to today they re talking about building all these condominiums and all this stuff in Oakland that will have a direct impact on Berkeley on Ashby Avenue and the whole freeway Berkeley will not have a vote whether the project goes forward or not And if you re talking about Berkeley bashing that will be perfect to say Well we don t care Let it impact those people Those impacts would have to go to this LAFCo So that s the function that they

would play They couldn t just jam you without having somebody review that to see that it makes sense

In any case all the land in the Claremont Canyon was in Oakland And Berkeley was totally dead set against having this development but there was no way that they could impact it

McGARRIGLE And just to set the geographic boundaries the land is in the hills and it s east of the campus?

BATES Yes

McGARRIGLE South?

BATES It s actually south and approximately parallel Maybe a little east but not so if you re going up Claremont Boulevard you come to Ashby And if you continue past Ashby on the other side Claremont Boulevard continues and goes all the way up to Skyline up to the top which would take it up to Skyline in Oakland and Grizzly Peak in Berkeley I mean I think it s right there that it changes names And as you go up as you head east up the hill on Claremont Avenue the property that was going to be developed was on the north side which is where most of the park is now is the East Bay Regional Park District So all the land at issue was in Oakland

The Oakland City Council the person who was representing that district North Oakland was in favor at least he was giving signals that they were in favor of the development When we looked at the votes on the Oakland City Council it looked like there were sufficient votes to let the development go forward to be able to have it come to fruition So I got very engaged and emotionally got involved in wanting to save this land

McGARRIGLE Can you tell me about what year this would be?

BATES [Laughter] What year this would be? This would be about I m guessing about 1980 I m sorry maybe it was like 78 even earlier Probably around 78

I really felt it was a wonderful beautiful area and I wanted to save it and I wanted it to connect up to the East Bay Regional Park District They were talking about buying the whole crest along the top of the Berkeley Oakland hills and connecting them to their existing the park They were talking about the possibility at that time it was being kicked around the idea of having a trail that would go on the rim that you could walk along the rims of the mountains So there was a lot of interest I really had thought that it was a beautiful area and needed to be saved so I got involved

The only way to affect the outcome I felt was to make it a major issue in the Oakland election So I did that in terms of the person in north Oakland who was running for election Basically we did like a full court press that said that Would you vote for this project? It became an issue They couldn t go to a candidates night without somebody raising the issue And we took this person from being what we thought was in favor of the development to coming out against the development during the course of the campaign That was a key turnaround But that wasn t enough because there were nine members on the Oakland City Council

McGARRIGLE And who was that member that you were specifically talking to?

BATES This was a woman by the name of Marge Gibson She was running against a guy by the name of Felix Chiavo He was the incumbent And she ended up beating him She was for the development and she turned around came out to be opposed to the development Then in East Oakland we had to make it an issue and people in East Oakland could care less about [Laughter] what s

happening in the Berkeley hills area and the Oakland hills But we were able to by me interviewing people and working with candidates we ended up getting three candidates who basically became supportive of our position of not having the development go through

So it was politics in Oakland that ended up by getting people to change their position and come out against the development There were some reasons I mean it was a very heavy development It s probably on a slide area I mean [Laughter] maybe all this was for naught Maybe it could have never been built I don t know But working with the surrounding neighbors and the environmental community we were able to kill the project But the opposition was really powerful in terms of the contacts they had with the city council It ended up that we got like six or seven votes

So it got killed It got killed and then I pressured the regional park district to buy the property and so they ended up making that acquisition sometime in the middle eighties So they preserved it forever

Then the next thing was the land just to the north of that is in the regents property And the University of California Berkeley and Michael Heyman when he was the chancellor I argued with him about somehow or other preserving that land He ended up designating the land as an ecological preserve So he did make that kind of a finding The Regents of the University are very [Laughter] difficult to deal with on business But they have a fire trail and you can walk along and it goes right up to the Claremont Canyon The park district put forward a measure Bond Issue AA And that passed and that gave them the money to acquire all the land along the ridge so they now own the land along the ridge and they own the Claremont Canyon

At one point when I got very emotional about the whole thing you know because I really cared about it It was the first major local environmental issue that I felt that working with other people that I d actually made a major impact on the land So I have asked even though I guess it may be illegal but I ve asked my wife to when I die to put my ashes [Laughter] in Claremont Canyon So we ll see We ll see what happens But I m very pleased that it happened You know it was a great great place

McGARRIGLE Do you envision a certain kind of service that would take place? [Laughter]

BATES I haven t gotten that morbid However my birthday is tomorrow so maybe I should think about it time is ticking along

McGARRIGLE Happy birthday

BATES No I haven t really thought about it but I would hope that when I die that there would be like a gathering of friends to have a party not to have a funeral or something And then maybe later Loni can go with my family swish my ashes around [Laughter] I think it s illegal

Maybe we should go to when I get out of the legislature Do you want to talk about that for a minute?

McGARRIGLE Yes

BATES Okay As of course as we discussed I knew that I was leaving because I had the term limit lawsuit So that was a great relief for me to know that was going to happen And then I also had some good advice which was to take my time and not to jump into something to figure out what you want and recognize that you re going through a major transition that you ve been in this public life for a long time and you need to realize that things are going to be different Some of my friends Art Agnos in particular who had left the

legislature to become mayor of San Francisco and then was defeated and then worked in the Clinton administration he said Before you leave you better become computer literate You better know how to keep your Rolodex because nobody s going to keep your phone numbers and addresses You have to get that together and you know You better get your filing system in good shape

I actually had a lot of time to think about the leaving because I knew I was leaving A lot of people are defeated at the polls or they make a decision Well I m not going to run for election I mean this was something I knew was coming for six years So I did do all that I m not exactly computer literate but [Laughter] I m close And to show you how bad things are Loni who s now retired from the U S Department of Education I m now providing technical assistance [Laughter] for her This is how bad we are the blind leading the blind No we re doing okay

But anyway I heard about a book by a professor William Bridges who teaches I guess at Mills College about transitions [*Transitions Making Sense of Life s Changes*] I read his book and I read some other books You know you need to just kind of take the time and not move into anything So I did People were kind enough to call and ask me to be on boards of directors and all kinds of you know people had ideas for me to do Which I was very happy flattered to get asked But to everybody I said I need a year Now call me back in a year and we ll talk about it There were a lot of jobs and things I needed to do around the house and work in the garden and so I did take that year

And then I tried to figure out Well pretty much what am I going to do? My parents lived into their nineties I was at that time not quite sixty and tried to figure out Well what are my plans for the next thirty years? Hopefully thirty years Obviously it s real hard to say for sure but I felt that I wanted to continue to make some kind of public contribution I didn t think that I wanted necessarily to hold public office again I was challenged right away by opportunities to run after my lawsuit was over to run for the state senate seat I thought about it pretty hard and recognized full well that if I didn t run now that the further away from being in office the more difficult it is to get elected Your name identification goes down really fast

Also there s somebody else in office other people have relationships with people that I had friendly relationships with like labor and with environmentalists and with you know some people who contribute to campaigns They form new relationships with people who are in power So if I was going to run I had to keep up my relationships with people It s not to say that maybe someday I might seek some other office I don t know what that would be but I don t see it for at least the short term being anything that I wanted to do

And also as we ve talked I also knew that I wasn t really interested in getting right back into elective office I sort of needed the time to become a regular person again I was always a regular person [Laughter] but I wanted to experience being out of office

McGARRIGLE Well in terms of lifestyle it sounds like

BATES Yes Oh definitely You know people would take care of my car and make phone calls and you were an important person and all of that It has an effect

on you it definitely does I tried to because of what I observed when my friend who didn t do well Ken Meade who didn t do well at this that I tried to always keep a healthy understanding of what was happening to me and realize that even though I was being treated specially that I wanted to keep grounded in who I was as a person so I tried to do that

So during that time I did have an opportunity to teach at the university to teach a class which we ve also discussed here on political science That was wonderful for me because what it did is gave me a lot of time to start reading books and to start thinking about issues that I was interested in One of the things that I was interested in was the issue of leadership and the use of power and how to exercise that power and how to best use it for good ends So I spent a lot of time researching and preparing for my class with the syllabus So it occupied I wasn t doing other activities so that it occupied my time intellectually which was good

And then along the way I had started a thing called the East Bay Public Safety Corridor and I had lots of friendships that had developed around that with people that I really got to like as a group I liked people who were the superintendents of schools as a group Now obviously there re some that I like [Laughter] more than others but generally speaking they were motivated positive trying to help kids and were people who got things done and were political in the sense that even though they reported to a board they also ran the show The school boards would give them policy directions but they made decisions and they by and large weren t too gun shy to do things So I really liked them as a group

I liked particularly the guy in Berkeley His name is Jack McLaughlin who became a friend and also an ally in all these issues I was involved with from the East Bay Corridor He and his wife helped me draft legislation that I introduced about after school programs for kids We weren t successful with the legislation but it got picked up the next year when I was out of the legislature and got passed and became the law We just helped build this issue that became an important issue And I was again sort of trailblazing before our time [Laughter] We certainly made it easier I think for people to pass the legislation

But one day Jack calls me and he says There s this guy who came in to see me He s a friend of yours He s been here talking to me about food and he mentioned your name he yelled at me and he stormed out And I didn t have the chance to talk to him And he said He had something to say but his anger was so great that I couldn t get past the anger He couldn t get past the anger So he said Could you arrange a meeting with him? I said sure So I called him up and said I talked to Jack McLaughlin and he s willing to meet with you again So Jack said What I d like to do is form a committee around school food issues

McGARRIGLE Now you knew right away who this person was? Jack McLaughlin had his name or you knew who it was immediately?

BATES Oh yes I just haven t I don t know if it necessarily is important for the purposes But he s a well known person around Berkeley Actually I could Why don t we just say it? His name is Ray Couture and he was a friend of Loni s Loni knew him She met him when he was living over on Telegraph Avenue He was actually a very interesting and inspiring sort of person He

had some rough times He was in the service Maybe he was in Vietnam and he had Agent Orange and some problems in his nervous system He s had a lot of physical disabilities But he went to Russia got interested in Russian things and he met a wonderful woman He married her has a child He has a really good job now and she s a lawyer She s become an lawyer I guess she s an entertainment lawyer now And they own a home

But he s a very emotional guy and sometimes can fly off the handle But a lot of times when people are angry or have something to say or are extreme there s something to be said He s identified at our meetings as the Angry Parent [Laughter] So he came to see Jack and so Jack said I m going to set up a meeting So the superintendent asked for the director of the food services a woman by the name of Elsie Zeato to come to meetings He invited other people to participate in the meetings He invited me and Ray to come to meetings So I went to the meetings And this is after about a year ago I went to the meetings

At the meetings they talked about everything how bad everything was They started changing the menu started saying Well we don t want corndogs We don t want these chicken nuggets We want to have vegetarian options every meal So they started redoing the menus and so every month we d meet and go over the menu

McGARRIGLE This was actually partly initiated by the food service people themselves?

BATES No It was actually by the superintendent calling them in and saying I want to do something about the school food

McGARRIGLE And it was him pressuring them or they were aware and ready and willing to volunteer?

BATES It s him pressuring them Yes Calling them in and saying Let s meet and talk about this It s the superintendent and these parents and they re all saying This is terrible

Then the food service directior started explaining what was going on The food service person was very defensive The food was terrible and everybody was saying it s awful And she s trying to explain why things are happening the way they do My analysis would be that she was passive aggressive She d say Oh yes she ll do stuff and then it was difficult to get it done she wouldn t report So it was real hard but we started in with all of these problems

So I m there and I don t know anything about food or any of these things But I m interested

My interest the reason I went was Jack asked me and most of all I m interested in after school programs because I ve started this idea that if you were going to have after school programs you needed to feed the kids And what I want to do is have kids have an opportunity to you know everything they don t get in the regular school a chance to learn geography and music and dance and sports and do homework assignments and tutoring and mentoring and all of that to have a place to have it happen So when we envisioned the after school bill we actually called it the second shift It s like the teachers would go home and a new group of people would come and use the facilities

So I was interested in food in that I wanted to feed the kids I always felt like if you feed them they will come And if you re going to have them you need to feed them So I was interested in a snack after school

But I was sitting there and I learned about all these things I had been trained to think in terms of systems and how things were interconnected So along the way after about four or five meetings or something I d said that I was at a meeting and I started making notes and I said I see there re about eleven things that are all interrelated That if you want to have a school garden the garden s got some connection with the classroom and if you re going to teach about health it s got to be reflected in the cafeteria and you need to feed these kids breakfast and you need to feed these kids after school snacks

So what happened was somebody took my points and wrote them up as part of the minutes And then the Center for Ecoliteracy became interested in these meetings so they started attending the meeting They said Well we d like to write up these points and send them to the U S Department of Agriculture They re offering grants for local communities And so we re going to ask for $175 000 We re going to pay for a grant writer

So they wrote it up They said Do you mind if we put you down as being one of the principal consultants? I said I don t care I thought it would never get funded I thought it was way too fast that we needed to bring the community along that other people needed to participate It was too top down And so lo and behold the U S Department of Agriculture USDA said Yes We want to fund this program And we don t want to fund it at $175 000 we want to fund it at $170 000 But it provided for a half time coordinator and a half time person to work in the garden It was $170 000 but it was over three years so it really wasn t that much It had no money in there

for overhead for an office or a telephone or any of that It was not budgeted by the grant writer

And the grant writer was I didn t have that much say over the grant writer The grant writer took the points I had and went even further than what we had even suggested They said in the grant that we were going to have 25 percent of all the fruits and vegetables all the vegetables were going to be raised in the school that we were going to purchase 50 percent of all of our stuff locally and that we would do it there it said that we were going to start a school to work academy I mean [Laughter] it was like this unbelievable grant So it did get funded So the people from the Center for Ecoliteracy the executive director

[End Tape 25 Side B]

[Begin Tape 26 Side A]

BATES came to me and said We want you to administer this grant for us help us with this grant to direct this grant I said There s no money in there for me There s a coordinator and it s a half time position I said I have to think about it So I thought about it and I said Well if you want me to do this you got to pay me half time as a consultant you have to pay these other people instead of half time full time because you can t possibly do this job at half time and fund all the positions You got to fund the other half You got to fund all the overhead because there s no overhead in this at all If you do that then I will work half time and direct this

The reason I was interested is well obviously they said that These are all your ideas so we want to see if we can bring them off The other thing is that I had started in the legislature God I don t know all of the mental health

programs all of the PIP program I started this I considered myself to be sort of a launch expert But I don t know that I could direct it once it got off the ground So I thought it might be interesting to have the actual hands on directing experience and see what would happen with the implementation Because a lot of times the policy formulation and ideas are the easy part the problem is when you try to make it work It s been particularly true for the integration of services that I did the A B 1741 [the Youth Pilot Program] which is happening all over the state I mean not it s actually happening I m sorry in about seven counties around the state But it s been really hard to do So I thought Well maybe it would be good to see what I could you know just have that experience

And then Loni Hancock my wife was working for the federal government and she made it pretty clear that she was going to stay until the end of the Clinton administration So I needed to do something that would be productive that I really would enjoy doing for the time waiting for Loni So it was like about a two year period a little over two years So I said I would do it for like two years and that would be my commitment

They met all the terms They said Yes we ll do this and we ll pay these people and you can work half time and I could work at my home And so it worked out to be they sort of met all of my demands And the Center for Ecoliteracy has been a wonderful group of people to support us I felt totally supported The director Zenobia Barlow directs this small foundation They were a granting foundation They actually made a grant to our food project And my program was started it s called the Food Systems Project It s not the best name but we actually hired a firm to come up with a name for us and

they couldn t Everything they came up with was either used by somebody else or we didn t like But we are a project of the Center for Ecoliteracy So they do all of the record keeping they do all of the accounting they do all the legal work they do our insurance they write grants for us So it s like there s this wonderful operation They fund us and do all this stuff for us in terms of supporting us

The other thing we are not physically located in the same area so that gives me somewhat of an autonomous nature in terms of we are our own project but we are accountable to them I am accountable to them So it s worked out to be really a good thing

What s happened is that you know I think a lot has to do with the fact that we ve been successful But we ve gotten a lot of other foundations that fund us The East Bay Community Foundation agreed when we put in our grant to the U S Department of Agriculture that they would put in money So they put in money in that grant And the Berkeley school system the unified school district also said they would put in money they would put in $10 000 a year The East Bay Community Foundation said they would put in $20 000 Then we applied for grants for the R K [Mellon] Foundation gave us money the Heller Foundation gave us money and recently the California Endowment has given us money So we had through the grant writing we ve been able to get other money to come into our project Actually the State Department of Education gives us money So we ve been able to diversify and we now have a budget of about $450 000 a year that we re operating on

McGARRIGLE Oh it s significant

BATES Yes It s grown over that period of time

But the work has been fabulously interesting What we focused on was trying to improve the food And it s been real hard But we have come up with three strategies that we re trying to do in terms of getting better food The first thing we ve done is we ve attempted to and been successful at identifying conventional food that could be substituted for organic So we have substituted organic food like carrots and kiwi and oranges and apples and pears and all of the things that are easily switchable My staff member Jared Lawson has done a great job of helping identify vendors and being able to find good prices that are comparable that would work

Then the next thing we ve done is we have investigated the school kitchens and their ability to cook good food We found out just what it was like and Narsai David who s a famous chef on the radio he went around with us and he said it s like trying to cook with one hand tied behind you You know you don t have any equipment at all so it s like cooking with one hand behind you and the other hand is hand cuffed to that [Laughter] hand that s behind you I mean it s like impossible They don t have any equipment and what they have doesn t work because they don t have stoves that cook ovens that bake It s no wonder everything is prepackaged and heated and/or cooled Now they should do some small cooking We ve enhanced their cooking but they have no real ability to cook So what the kids get are packaged foods that are processed highly processed

We ve been able to eliminate a lot of the bad choices from the menu so they actually have much better choices than they had before But we have also started an alternative which is to start salad bars which are organic salad bars that can come into the school district And we ve started this slowly We now

as we speak we started one last year and now we have four But by the end of this school year we hope to have six operating and eventually we ll have it we hope in every school So that we tried to offer a true alternative to what they currently have and so we re building that

The next we have done is said We got to scrap this whole system and we ve got to figure out a way to go back to preparing food and cooking food at the school site We received a very substantial grant from the California Endowment to allow us to do a business plan and an organizational plan to see if we can t make that change to be able to actually establish cooking facilities We could do preparation work at a central kitchen and then the food would be taken to the school site almost like a caterer and they would then do the finishing cooking at the site So they would do all the ingredients at the site and then would prepare the food or bake it

Over the years Berkeley like most of the other schools in the nation have done away with the capacity to cook at the school site They bring in heating ovens convectional ovens where you basically roll them in plug them in it s like airline food And all you do is heat it Set the temperature at like 350 or something and everything is in there and heat it or you just kept the food cold and serve the kids So they can t boil water they can t bake in the oven because they don t have an oven And some of the remodeling that s been done in the Berkeley schools they don t even have vents to vent the ovens I mean you couldn t cook if you wanted to So it was a major stumbling block what s occurred over the last let s say since Proposition 13 you know from 78 on It s been downhill for the ability to cook at the school site

So what happened along the way was that the Berkeley school district decided that they were going to go to ask the voters for a bond issue to finish the remodeling and earthquaking of their schools I got involved with a really wonderful volunteer a guy by the name of Eric Weaver and we started going to all these meetings and prevailed upon people to say You ve got to upgrade the kitchens You ve got to make these kitchens a part of the remodeling You ve got to build new kitchens and you ve got to remodel all the other kitchens that are out there Berkeley High needs a kitchen King Middle School needs a kitchen The [Berkeley] Adult School needs a kitchen maybe we could offer a cooking academy where you can teach cooking there and catering and other kinds of services out of the Adult School We wanted to redo the kitchens in each of the schools

We hired an architect who went around and looked at all the school kitchens and he came up with a figure and I multiplied it by 40 percent So he said This is what we need We need like $8 million Actually we said we needed seven a little less than seven to redo the kitchens And we had to fight people who said No we don t care about kitchens So we did a poll of the voters before they were going to go with the issue They put kitchens on the poll and a question regarding food and the results showed that the kitchens were an important issue with the public So we helped make sure that language for the ballot initiative stated that kitchens were included remodeling and stuff

So then it went $116 million went to the voters in the November of 2000 election to ask them to authorize the expenditure of this money to redo the schools and have kitchens among other things to be redone

We worked really hard in the election as well as another issue that was brought to the Berkeley voters the school voters which was that Berkeley was asking them to tax themselves to establish a maintenance tax it would be property tax that would go to maintain the schools to landscaping and keep the buildings in good shape They said Why should we spend all this money for bonds to build new schools and then you can t keep them up? It s sort of silly We don t have the money in the general fund to do maintenance I believe there s no other school district in the country that s ever asked the voters to provide a maintenance tax for their schools

So they asked for bonds $116 million and a new tax to maintain the schools Both of the issues required a two thirds vote and they both passed They both passed The part about the bonds passed with a $116 million bond passed by 83 percent of the vote It was just stunning Unbelievable 83 percent of the people voted to tax themselves to build and to maintain their schools I was worried that we d get 66 percent you know 66 and 2/3 percent It was just staggering that they got it

So we now have the money in the bond issue And we have to fight because the bond issue says $116 million then it lists all the things they can do but it doesn t say like $7 million is going to go for kitchens So we have to fight to [Laughter] maintain our money and maybe expand it if we need to

Now hopefully this will be enough money to finish the schools but the voters also in that same election the November 2000 election also authorized school districts to lower the amount needed to pass bonds to 55 percent from 66 and 2/3 percent So if we run out of money Inflation has been really high in the building area Things have just gone up way up way beyond

anybody s expectation If we run into that kind of an experience or find out that we need more money it is an option to go back at some point again not in the near future but ten years or something and ask for more support if we need it

So we now have the money to do a plan We now have the ability to implement the business plan if it works So that was part of it

So that s our strategy for the food was to substitute better items And we ve identified things not only fresh fruits and vegetables we have identified lasagnas we ve identified chicken we ve identified all kinds of other dishes tamales burritos that we have substituted conventional products with organic

And then the last thing is to the next two things are to get the salad bar while we re waiting to convert the kitchens We started these salad bars and they have been tremendous successes above our expectations They have increased the amount of people who are eating by 20 percent at the schools So it s an increase By and large schools that serve food are serving poor kids They serve cheap food to poor kids Other kids parents pack their lunch and they don t eat the food in the cafeteria The other kids eat it because it s free So the free kids are the ones eating the school food The trick is can you get good enough food that parents are going to feel confident enough to send money to school to have their children buy a meal? Well under the salad bar people do feel confident that that s a good food It s a big hassle for working parents to pack a lunch and get everything together So it s a service for parents and we re very very happy with the results

It takes work A person goes into the classroom teaches the kids what they can expect shows them where the food comes from The farmers come in and they talk about the lettuce that they grow and the garden and stuff So it s been very good

Then the other part we have the business plan The dream is the business plan and the money to redo the cooking I have real questions whether we can make this work I mean the labor costs are the big problem I think we can get food costs about the same for organic and conventional But the labor costs So we just have to see And in order to make it work redoing the cooking we got to get the parents to want to send money to school to have the kids buy food We have wonderful people world famous chef Alice Waters is helping us We have all these other people who are interested So we may pull it off And if we pull it off our hope is the dream is that it would change the way food is served all over the country So we d like to start that idea right here in Berkeley

Another very important thing about this Food Systems that I need to tell you about first of all is along the way we were making all these changes and redoing the menus and starting things and Jack McLaughlin one time said Look it I m not always going to be the superintendent here forever and you re not always going to be working here on this issue so we need to develop a food policy for this district So that became an issue that we ran with and we held meetings and got community input We drafted for the school board a food policy It s a wonderful document that got unanimously adopted in August of 1999 It says things like every kid should have an opportunity to have food It says that we should have organic to the maximum

extent possible It says we should have a garden in every school we should have recycling be a big part of this and we should teach about food in the classroom Then it sets forth a whole lot of recording requirements which is also very important The food service director has to tell us every year how she did financially what kind of food she served what she s doing to promote it and whole issues It appoints a citizen committee that meets monthly and contains parents and teachers and principals of schools and ourselves were involved in it So it provides the wherewithal the ongoing wherewithal to promote this plan

Then we found that if things have gone awry people say Well what about the food policy Berkeley High School there s issues came up They say We want to do this and they say Well you can t do that Our policy is this So unless you change the policy you can t do that It s been very helpful And it s been modeled now Other school districts around the country have called us and want to know what we re doing and how we did it We have a steady stream of people coming to our office We like to do it it s an important part of our work but it s also time consuming when people are coming to see what we ve done

One of the parts was the gardens We had a garden coordinator The Center for Ecoliteracy also gave me money to help implement this start the gardens put in irrigation systems to purchase soil to get shovels and all that kind of stuff We basically helped what was under way with other people There were a lot of stuff underway already in the district Alice Waters already had the edible schoolyard And there was a terrific garden growing up at

Willard Middle School It got expanded We helped them double the size but it was already in place

Then at Le Conte School which is a neighborhood school it s near my home had been doing a garden for years They had a garden and a farm they had like goats and chickens and ducks and things So people had been working on this issue way way before I got involved But we had basically help to go to scale We said we got to help get a garden at Longfellow and at Malcolm X

What s happening in Berkeley is that all of these schools are being remodeled and were relocated to temporary sites so they re not even at their own school site Thousand Oaks just moved back to its site after it s been reconstructed so now were putting a garden there Cragmont was being remodeled and rebuilt and they were in a different location They ve now gone back to their location so we got a garden there In some cases we were helping schools to restore their former gardens

Every school now in Berkeley has a garden in their school Now some of them we still have a long ways to go They re just planter boxes And some of the sites are so small that it s real hard to imagine where you could put a garden anywhere You might end up with planter boxes But we think that every school will have a real garden And almost every school will have to their capacity a garden in the next year or so So they ve gone from about four gardens when we started maybe five to twelve Three other ones are still in the balance so they d have small little gardens But that s happened and then we ve been working with it

It doesn t do any good just to start a garden You got to have the teachers engaged and using the garden and being involved in it We just didn t start gardens We tried to get them involved to plant it to help you know get the kids involved and so it becomes a school project to have it happen Then along the way I was worried like How are we ever going to sustain this stuff? Because that s the real trick not just to start it but to sustain it We found where visiting Santa Monica that the federal government had funded a program that goes through the state health department that s called the Nutrition Network This is for school districts that have 50 percent of the kids qualified for free and reduced meals then the whole school district is eligible for this money that they have Or in Berkeley s case we don t have 50 percent so each individual school if they have a 50 percent free and reduced then they re qualified

So we went to Santa Monica and saw their salad bar that was funded through this program Santa Monica Malibu school district is actually a fairly wealthy school district but they have some poor areas And so we looked at that and we really were impressed So we came back and we wrote a grant to establish a salad bar program in our school district That called for the funding of a coordinator for the program a nutritionist coordinator and for the equipment and for on site paid personnel to work the salad bar So we got the money for this grant as well as

McGARRIGLE And this was federal?

BATES This was federal money that gets funded through the farm bill as part of the food stamps program It s an entitlement to the state So in other words whatever the state spends the feds will reimburse them And then the state

health department administers the program It s like a local program that so in our case every dollar that we spend on nutrition related activities that we document we were able to receive 50 percent fifty cents more so it was a two to one match So it meant that we were able to get the salad bar up and running because we looked for how we were spending money around nutrition and we matched that money The food director had to put some of her own money into this program But we got enough money It was like a $300 000 grant So we came up with $200 and we got $100 from the state through the federal food It s called the Nutrition Network grant

So we got that and we started five schools We said Well if we use the garden instructor and we use teachers and they re interested in athletics and having kids get exercise So if we have an after school program we can match that we can match Healthy Start What you can t match is federal money You can t match volunteer time or people who are paid by other sources who are working on the site So if you had a let s say a person who s working with kids who is funded by the YMCA as an example working on the site they can t count that money If that person was employed by the school district using school district funds then it could be

So we got off with five schools and a salad bar Then we realized well this a great bonanza We then started calculating all this stuff we could do for in kind money Then we got some special dispensation from the feds which is that we asked for instead of 50 percent criteria we asked for 40 percent free and reduced They agreed to that We then looked at all of our schools said OK if we get garden instructors if we can get teachers to teach about nutrition we could get our custodians and other people really to focus on

nutrition and after school athletics and things And then we got grants from Berkeley s well the other schools have got grants for Healthy Start which is state money they ve gotten grants for afterschool programs which are state money That s all matchable So we started figuring out and any foundation money or anything else they have if it goes to nutrition they re related So we came up with $2 4 million and the school district was going towards nutrition related activities

So we applied to the state and got $1 2 million for money to operate this program The school district hired a program person to run the program they hired a person to be their own garden coordinator and they hired people to run the gardens Sometimes their school instructors their garden instructors because they teach they can t maintain it with this grant You work with the kids and make it part of the educational part So we hired people like that Sometimes they may only work 20 percent of the time but they might work at five schools So they work at the school Then they hired people to come in and teach cooking so they d have cooking classes and in school and after school cooking classes We then get people who are working the salad bar program We had one now we have four and we re going to go to six we re going to go to the whole district hopefully over time And we now have these after school athletics that are tied in

It s a wonderful program But the point is it s now institutionalized most of the work we have accomplished here So now we have a school policy we now have gardens in the schools we now have you know on the way to making changes around the food kids eat [Laughter] And we have the money

to make changes if we can do it around the kitchen And we look like we have a good source for funding ongoing funding

Berkeley has problems because we did get this 40 percent waiver The federal government made it pretty clear with the change [Laughter] of administrations that it was a one year waiver So we re going to have to figure out how we qualify these schools We think we can do it because Berkeley has it s a special thing as I mentioned earlier in our conversation they integrated the schools So it gives us a reason to say Well you need to look at the poverty in the area not just the kids We think we can hopefully figure out some ways to continue to fund it

Now what we re working on is not that we ve finished everything at Berkeley by any stretch of the imagination I ll come back to one of the things we re doing at Berkeley but we re now taking these ideas to other school districts We ve been asked to work in Brooklyn New York and Dallas Texas I mean they re calling us from all over

McGARRIGLE Replication

BATES Yes they want to know what we re doing and how we did it

So we re interested in helping people and we re trying to organize ourselves now to do that how we can work at a different level But we want to work in the Bay Area and we re hoping to do three things in the Bay Area in the next few years One is we d like to talk to people about this food policy because there re a lot of issues around food in schools In Berkeley we decided that we did not want to have sugar products in the middle schools and elementary schools There are no vending machines that sell any Cokes

candy bars or anything like that They have snack bars at the middle schools but they don t sell Cokes they don t sell any sugar products

When we did this policy the director of food services Elsie Zeato said Oh this is terrible This is the end All my money is going to plummet And it did drop But it came back The money ended up being about the same

McGARRIGLE And you were substituting juices and fruits and yogurt?

BATES Things like that yes More healthy products more healthy diets

So we re interested in the food policy There s interesting issues of advertising I just heard on the news where the USDA is going to recommend that they do away with all these Cokes and all this stuff and sugar products at schools But who knows politically where that goes But we re saying these are issues Advertising like Coca Cola and Pepsi will come in and build you a new scoreboard and you have to do is put up a large sign and sell their products Those are issues advertising issues people need to understand and grapple with They may already have done it Then we wanted to focus on the fact that food is an important issue for their kids and that all the research shows that if kids have nutritious food breakfast they do better in school So it makes sense

We want to work now in other school districts We started working in Oakland Unified We have conversations with people in San Francisco and in West Contra Costa the district that I got the name [Laughter] And also in the Mount Diablo School District has called us and they were interested in us helping them So we say we ll do three things at this point we ll help them assist them in drafting a food policy and give them technical assistance around how to apply for the Nutrition Network grant Because we think that

even if they don t do a food policy if they do a Nutrition Network grant they re going to end up there anyway because it s going to force a lot of these issues So we ll help them get started with that

Then lastly we re real interested in forming it may be difficult but we re interested in forming a regional buying cooperative for fruits and vegetables and organic products and from local farms If we can t do organic farm fresh products it will be from sustainable people so that we can help the local agriculture folks And the local is you know you start drawing the boundaries I mean that s probably Modesto I mean Fresno I don t know It s a watershed It s a big area But we want to establish that So we figured if we re doing it for Berkeley if we bring in Oakland has 50 000 kids plus Contra Costa probably has another 40 000 San Francisco I don t know what they have maybe 40 000 maybe more Yes they should have more They should have about 50 000 So we could easily come up with 100 000 kids Oakland serves 30 000 lunches every day That s a lot of lunches That s a lot of apples So if we could figure out some ways of doing collective purchasing of organic food we would help the local farmers So we re interested in that aspect So that s where we

[End Tape 26 Side A]

[Begin Tape 26 Side B]

McGARRIGLE Give Sibella Kraus my best regards but she was in on this issue at the same time Alice Waters was in on it well now it seems like the early days

BATES Right She was a forager for Chez Panisse She formed the farmers market in San Francisco at the Ferry Building and Quesa an organization she started I ll tell you more about that later when we re [Laughter]

But this has been a lot of fun and it s been interesting and stimulating And it s a little low key I mean I m not doing high profile kind of stuff I m taking sort of a back seat I m not necessarily trying to do I m not interested in having press and stuff like that personally The project s getting a lot of press When we adopted our food policy it made national news It was on *NBC Nightly News* It was on CNN It was on CBS It was in the *New York Times* front page story in the *New York Times* the *Washington Post* the *L A Times* the *San Francisco Chronicle* It was you know a barrage of news stuff We did nothing for two weeks but handle news stories

Anyway what happened was that and it was typical the *Chronicle* wrote an article about the food policy in Berkeley The headline said Berkeley Goes Organic Well it wasn t true We were trying and we wanted to but we didn t have organic products They stated things that we wanted to achieve as if they had already happened It was a wonderful article it just wasn t grounded in too much reality [Laughter] We talked to the person and we tried to explain what was going on but the headline writers and everybody said what they wanted They painted a false picture The article got picked up by other newspapers and TV The *L A Times* writer got it right It was really an excellent article She understood exactly she wrote a really balanced perfect I mean a really good story about what was really happening And other people thank God picked up the *L A Times* So the *Washington Post* and the *New York Times* and other people had it right And so did the television stations They were interested in our food tests and tastings and all this stuff So it became visually interesting But we got a lot of <u>a lot</u> of press So people got to know about our project

I personally haven t really felt the ego need to be necessarily in the forefront A major article appeared this week about what we re doing at Berkeley High School It was in all of the papers And I m not quoted I mean not that I I just don t need to be out front Other people can do that

McGARRIGLE Where are you in your original two year commitment?

BATES Well my two years is up [Laughter] My two years is up And so I m now transitioning much to the dismay of the people I might mention at the center But this year 2001 I m planning to in the month of April my wife and I are planning to go to Mexico for a month Loni wants to take Spanish and I want to take some cooking classes and just prepare for our trip that we re going on in August We re going for five months to Europe and then after that we re going to go elsewhere next year So we re trying to while we re still healthy and young we re going to try to see different parts of the world Five months may be too long we ll have to see I mean I think it s going to be just great But you know we may not want to spend that much time away because you kind of lose track of what s going on

The Center for Ecoliteracy has purchased for my work a laptop and I m fully capable now of getting on Internet cafes to keep in contact with people while I m away I m now training some other people to take my place We ve just added a new person who worked for Congressman Dellums and is an old family friend In fact she was mentioned earlier when we talked about when I ran for the state assembly Her name at the time was Ying Lee Kelly she now goes by Ying Lee She s returned from Washington D C where she worked for Dellums But she was one of the people who was at this very table who said she would be for me when Loni wanted to think about it

McGARRIGLE [Laughter] I do remember that

BATES Loni kicked her under the table I reminded her of that story the other day how much I owed her But she said she was not disappointed so that s good

Anyway So Ying Lee has come on board I m helping her to learn what s going on and so she can carry on while I m away

I have great young people who work for me Young is you know like their thirties We now have in the office this Jared Lawson who I mentioned who s done a really wonderful job He s been here now for two years We ve hired a really wonderful African American woman Joy Moore who brings something to our project a lot of the food related activities don t have which is an African American who really cares passionately about these issues so that s really great And then we ve had a number of people actually three now who ve worked as what we call the garden coordinator Now we don t need that position because the school district has one

And we have a woman who s just started with us who s Japanese Melanie Okomoto And Ying Lee So we now have a Chinese a Japanese an African American and one old white guy [Laughter] and one not so old white guy And then Jared who s very good very knowledgeable So we have a multiracial staff It really has been very helpful and we really work well together

Ying and Melanie are new Melanie replaced Erica Pang who was a Chinese American who went to work for the school district when they got the big Nutrition Network grant So we feel like our people are really nicely placed We re happy to have Erica there So we feel confident about that program

The weakest point of the program in my judgment at this point is that teachers are under such pressure to teach for the state standards and the state tests that it s real hard to get them to focus on anything unless they see how it relates to this other issue about how they can improve the kids test scores So we re trying to model nutrition education to blend it so that it meets those standards That s not being done by our project per se it s being done by the Center for Ecoliteracy They hired people to do that and they re working on it and it s not something I m involved with but it is the hardest piece I think to get across

So we ve had great success It s been a lot of fun And I have to see how it works out I think for me they may find that maybe when I m gone [Laughter] so long they don t need me Who knows But I think in candor it s been helpful that we ve had all these successes A lot of times they spend money foundations spend money on things and nothing ever happens And we ve just gone like crazy like a house afire gotten all this recognition and made all these things happen and moved forward in great ways on a number of issues People recognized that and we re known even though we haven t done any particular outreach I ve never been good at that

I think I told you I hired a publicist at one point to come work for me But we haven t done that here we have a lot to improve So I d like to improve that before I leave so that we get more on our Web site we have a Web site We ve had it for a long time It s actually a good Web site and people like it But we need to add to it we need to document our work We re now documenting We re doing a great job of documenting Every time we turn around we have a photographer taking pictures of our stuff So we have a lot

of photos And we are going to write it up and try to have people learn from our experiences But we need to improve our outreach

They re about four or five things that I d like to see in the next five years or so come to fruition If we could revolutionize cooking bring cooking back to school that would be fabulous If we could actually form these co ops and have the farmers benefit locally regionally from selling to kids especially since a lot of times the fruit is irregular As an example apples you might have a smaller apple They would throw it away But it s just perfect for a kindergartner or a first grader So if we can figure out some ways of getting organic apples and other fresh fruits to kids and make that regional connection that would be just sensational And if we could build on the successes we ve had around food policy that would be great

Also I ve drafted some legislation that I m seeking an author for to establish salad bars Salad bars if you get the money to start it you get the coordinator you get the equipment you get advertising you understand the program which is you got to bring the parents along and the kids along and the principal and all the people Once you get it up and going Santa Monica s proven and we have proven that it s self funding You don t need any subsidies once it gets going because you increase the amount of kids who come in and use the you know who now eat at lunch You increase the numbers

Right now today the federal government reimburses $2 16 for a meal We provide an organic salad bar with some of it s not totally organic like we ll have tuna fish or we ll have chicken or we ll have a taco bar or something like that that may not be totally organic But when we look at our

food costs we still make over a dollar in some cases it s less than that We re spending about seventy five cents sometimes up to a dollar but it averages about just let s say a dollar We get $1 16 We make a profit on that Now you have additional labor costs but if you have the increased amount of customers it can be self funding

McGARRIGLE How interesting

BATES So I m trying to get this legislation going I m trying to point out to the legislature that if they spend a little money this will go It s also matchable Every dollar that the state puts in in these poor districts it s matchable by fifty cents because the feds will put in another fifty cents So it has a really great opportunity So we ll see what happens there

McGARRIGLE But you were key in the timing

BATES So this keeps me really busy I m supposed to work half time I work probably not full time but close to full time on it And I bill for half time I feel good about it I don t have a problem with that not getting paid for all my time

Then I work with the regional park district continue to work as a volunteer on the East Bay Shoreline Park I m still involved with that They have now selected a person to coordinate the planning They ve now let a contract to the planners to plan the park This is about $400 000 to plan Just recently we had a meeting with the planners They were all just brought on board a team What had occurred was that backing up for a second the park district realized that they wanted to have a plan obviously a public process So they selected a person to coordinate the plan Then they let out a bid to various planning firms around the nation to determine who would want to come in and plan Then they selected a firm to do the planning for the park

That firm that was selected then brought in all of the subcontractors for them to meet Recently they all came together the whole team just to view the site They got a bus and invited me to come to give them a little perspective There were twenty planners on this bus There were people like hydrologists there were people concerned about the wind and the birds and the erosion I mean it was like unbelievable how sophisticated in the old days when I first got started in the seventies we d have like maybe three people They would come up with a plan and just come up with some ideas and they d have a public hearing get beaten up and then they d implement the plan Now it takes all these environmental issues and all these concerns to come about So I m still involved with that I m not as active There s Citizens for East Bay Shoreline which we discussed earlier I attend their meetings so I follow what s going on with the park

I also volunteer I was asked to join a group that s funded by the Public Policy Institute in Berkeley It is funded by the legislature They get about a million dollars a year And they are interested in access to health care for poor people and primarily immigrant farmworkers and people in the Central Valley and Hispanic a lot of Hispanic have access to care issues But it s broadened to be pretty much all kids What they do is we meet and we give away the money So we send out RFPs [Requests for Proposals] to the university researchers We get University of California and some CSU researchers state university researchers and private researchers who do various kinds of aspects about access issues For instance what are the barriers that the state of California could remove or opportunities the state could take advantage of federal legislation and other kinds of private opportunities to make things

better Everything from dentistry to mental health It s been interesting I get to dabble a little bit about health policy

And then I have been active with the East Bay Shoreline and then I m also on the board of directors for the League to Save Lake Tahoe

McGARRIGLE I think because we don t have too much time left and I don t want to not talk about the family if you just go

BATES That s right we re going on and on I think I m all done Let me just say that those are the activities that I m doing now League to Save Lake Tahoe I just told them that I m going to have to suspend my membership on the board of directors for about eighteen months because I m not going to be available basically So I m going to drop back not off

I m looking forward to the future You know and it s been wonderful I don t know what will happen I m sure that Loni and I both have the idea that we re going to serve in some way We re going to continue to make some contributions to our society to the best that we can So I can t see us just being hedonists for the rest of our lives [Laughter] But it will be nice to have a little sabbatical for a while

[In November 2002 Tom Bates was elected mayor of Berkeley and Loni Hancock was elected to the state assembly representing District 14 Tom Bates old seat]

I m happy to talk about my family

McGARRIGLE I know you re close to your grandson

BATES Yes We re fortunate Loni and I of course were both married and so our children are sort of blended [Laughter] happily at this point

But I have two sons My oldest son Casey his name is Christopher He went to UC Berkeley and he went to Hastings Law School and had an opportunity to work in federal government for Congressman Howard Berman in Washington D C He is now a deputy district attorney and works in Alameda County as a district attorney He s married to Samantha Schell who also went to Cal Berkeley and she s an anthropologist And we have this wonderful grandson Sasha who is he s now just turned four His name is Alexander and they call him Sasha He s a really incredible kid He has a tremendous memory So it d be interesting to see how he turns out

My other son Johnathan also went to UC Berkeley graduated from Berkeley High He works for Chez Panisse as a waiter for Chez Panisse and has worked there for a number of years and has a business that he started on the side where he has a mushroom company He doesn t only gather wild mushrooms but he also is now in the production of making mushrooms for sale

McGARRIGLE Cultivate them

BATES Yes cultivate them

McGARRIGLE Oh how interesting

BATES And he s got a little factory [Laughter] there So he s doing that Johnathan was married and is divorced His wife went to Cal Berkeley They all were there Everybody went to Cal Berkeley My first wife went to Cal Berkeley So you have all these Berkeley graduates But Johnathan is a wonderful wonderful person and he now has another woman in his life but we don t know how that s going

Casey and Samantha are hoping to have another child so we may have another grandchild coming along from that side of the family

Loni has two daughters Her oldest daughter Leta and our son in law John Wagner they lived in Vermont Leta is a chiropractor practiced in Vermont John s work has taken them now to North Carolina where they live in Chapel Hill They have a son Asa Wagner and he is three We see him occasionally when they re here for Christmas and holidays We did recently go back last summer and spent some time with them They re expecting a child this May a second child this May So we have a fourth for sure coming We don t know the sex of this child yet They don t want to know Seems like none of our kids want to know what the child is going to be the sex of the child before the child arrives But it s coming this May so we should have four

And then Loni s daughter Mara lives in Oakland and she has a partner Tracy Davis Tracy has a son Tynan who is our grandson He s now nine and he goes to school in Oakland at Peralta School That s one of the reasons why we re interested in getting good food in Oakland as soon as possible before he graduates [Laughter] He s nine years old and we spend a lot I spend a lot of time with Tynan He and I do lots of things together He has other role models male role models in his life but I m one of them I like it a lot We took him this last summer and we went on a baseball tour He likes sports like his grandfather So we went to visit baseball parks in the East Then we went to the Durham Bulls where he went to a baseball camp Then we went to the Baltimore Orioles and the Yankees and the Mets and the Philadelphia Phillies and the Boston Red Sox We saw more baseball games

McGARRIGLE What a great trip

BATES Loni saw more baseball games than she had in her entire life But we also went to all the cultural things that we could in between So you know we went to the Metropolitan Museum and we went to the White House and we went to the Congress and we went to the Aerospace [Museum] and we went to the Freedom Hall in Philadelphia So it s a little culture [Laughter] and a little baseball

So that s our family They re wonderful kids We re very fortunate that three out of the four live close by So we see them a lot and we babysit a lot for the kids so we get to see the grandchildren a lot We re very fortunate to have a wonderful group of kids and family

McGARRIGLE I think the interview stands on its own in terms of inspiration but I wonder what you say to people when they come to you and they ask you for advice on how to get involved?

BATES On how to get involved? You know I think that the main thing is it seems to me that people I try to ask them what their passion is what do they care about? When I taught at the university my students a lot of them were interested in being elected So the question was elected why? I mean what were they trying to accomplish? What do they want to see occur? What motivated them? What was their background? What were their politics? I think that if you d really look and say What is it? I m only here on this planet for a certain amount of time What is it that I want to accomplish? What is my passion? I say just follow your passion

I was very lucky I was able to take my avocation and my vocation and sort of like Robert Frost said make them as one and it s like an arrow in

flight I think the main thing is to try to figure out what it is that you are really interested in and care about deeply and want to bring it about Then you just have to figure out where you are in the spectrum of things I mean if you re at the beginning then you obviously need to get connected with people that relationships are extremely important more so than almost anything Then that has to do with building knowing people and having people have confidence in you that they know that you have good judgment that your word is good that you followed through I mean just kind of the basic kind of things you know that you re a solid person

In the legislature when I was there that was the most important thing was a person s word and could you count on them? Would they follow up? Were they all talk? All hat and no cattle as [Laughter] somebody said So that you need to establish yourself on the stage of what you re interested in and try to figure out where it is and then what is it that you want to bring about and how does it fit into your life A lot of times this doesn t have to happen through politics or through government A lot of it could be done through the private sector changing people s judgments you know being involved with the press Information is power I would say once you know what your passion is then you try to learn as much as you can about it So you really become knowledgeable so that you do know something and then try to figure out how you can network from there try to make things happen

So I think that the main thing for me is I try to live my life by the idea that life is a struggle and it s a path and that you try to do the best you can with what you have the opportunities you have It is the struggle That s what it s all about It s trying to make things better You know I always figured that if I

made a mistake that somebody else could [Laughter] straighten it out later But to try to do things and try to make things better that s why we re here When we get all through with the end of our lives when we die and you look back and say Well what happened? Well because you were here things are better Things have improved And you weren t part of the problem you were part of the solution

Yes so I really enjoyed this chance to talk to you and it s been great so for the record [Laughter]

McGARRIGLE Thank you Thank you Tom for your commitment to our long and wonderful project

BATES Well thank you

[End Tape 26 Side B]

[End of Session]